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•• *It is particularly requested that any error or delay in the transmission of this Journal to Subscribers may be immediately communicated to the Editor.*

ERRATA.—*In our last number, at p. 379, for "Solicitor's Testimonial to Mr. Thomas Coombs," read "Testimonial to Mr. Thomas Coombs, Solicitor." At p. 388, 22nd line from bottom, for "space" read "span."*

THE SOLICITORS' JOURNAL.

LONDON, APRIL 25, 1857.

THE SOLICITOR'S TRUE INTEREST.

The Registration Report has now been a fortnight before our readers, and we have published, and hope still to continue publishing, communications which may tend to illustrate its proposals and their probable effect upon the profession. We shall also endeavour to select from the blue book which will be laid before Parliament on its meeting, such portions of the appendix as appear to us calculated to convey a clearer comprehension of the scheme. We are most desirous now to call forth discussion, both of the plan of registration itself and of the prospects of the solicitors under its operation, and our columns will always be open for the free examination of these most important subjects.

It may not be out of place at this moment to remind our readers of the origin of the inquiry which has lately resulted in this Report, and of the extreme probability which exists that, either with or without the concurrence of the body of solicitors, some serious attempt will soon be made to give effect to the recommendations which it contains. It must be remembered that the new Parliament will be deprived of every possible excuse for neglecting domestic legislation. Nobody, we suppose, will accuse the Government of any restless desire for innovation, either in real property or any other branch of law. But the Ministry will be watched in front and on either side by eager competitors for power, who will seize with avidity upon the initiative, wherever it is not from the first assumed by Government. How, under the continued chancellorship of Lord CRANWORTH, any real activity in law reform is possible, we do not pretend to understand; but we are, nevertheless, quite certain that the Cabinet must either bestir itself earnestly in this matter, or at no distant day give place to those who will. We print elsewhere an article from the *Daily News*, which may be supposed to speak the sentiments of many advanced Liberal politicians, and which enumerates the transfer of land as one of the subjects which must engage the attention of the Legislature. We have also lately drawn our readers' notice to a speech of Sir FITZROY KELLY, in which he stated that he had himself "matured a measure" for simplifying the practice of conveyancing. Mr. WALPOLE, it will be observed, was one of the most active members of the Commission which has produced the present Report. And besides politicians of established character, whom choice or necessity will impel to exertion in this matter, there is the ambition for notoriety, the appetite for business, and the election pledges of all the new members, urging them to activity in law reform.

We, therefore, entreat our readers to consider that

some great change in the method of transferring land is certain to be proposed in Parliament, and that it is the true policy of the solicitors not to denounce and stand aloof from every such movement, but to lend to its originators the invaluable aid of their experience. Opinions may differ very widely as to the effect of Registration of Title upon the pecuniary interests of the solicitor, but there can be no doubt whatever that the social estimate of the profession would be greatly raised by its active co-operation in a measure vitally beneficial to society. We must not be understood as expressing any opinion now as to the merits of the proposed plan. But we may surely be allowed to assume that the present system of conveyancing is very far indeed from perfection, and that, by a hearty dedication of professional skill and knowledge to the task, very important improvements could be effected, and a great public service done. It was in the hope of accomplishing this object that the Commission undertook their labours. If they have thus far succeeded, it is the true policy of the profession to lend strenuous aid in the completion of the work; and if they have failed, it is no less the part of far-seeing sagacity to produce a more judicious scheme. That unpopularity of which lawyers sometimes, and not unreasonably, complain, may be enhanced or very much diminished by their conduct in this crisis. Let them raise themselves above a narrow personal view of this and of all similar questions. We can but repeat what we have said before, that professional and individual interests will be best promoted by whatever promotes the interest of the community at large; and this is the principle by which we shall try the present and all other measures proposed for the amendment of legal practice.

The imprudence of setting the profession in antagonism to the public is only equalled by that of dividing the profession within itself. The Registration Report will be read by many landowners, and it is impossible to deny that some of the conclusions contained in it have an air of probability, and will command a favourable consideration. They look like truth, and landowners will be ready to believe that they are true. If, therefore, the solicitors should be persuaded to throw themselves at once into unreasoning hostility to this plan, they could not but incur the suspicion of the public, and become a mark for the vituperation of the press. If it be the fact that this proposal opens a road to a simpler and cheaper transfer of land, can any solicitor persuade himself that the opposition of a class would avail to defeat the measure? We sometimes hear complaints that the auctioneer is better paid upon a sale of land than the solicitor, and without that reluctance which clients are apt to feel to the discharge of a lawyer's bill. It is part of the proposed scheme to redress this injustice by securing to the solicitor a commission upon the purchase-money of the estate sold. To attain this long-desired result, it is really only necessary that the profession should remain united, and urge upon Parliament its fair claims in their proper place—in subordination, that is, and not paramount to the general good. If we spoke with the tongues of angels, we should never persuade the public to pay with a good grace the conveyancing charges which are now customary. But if clients could only feel that they were paying for something of which they understood the use, a liberal remuneration for his trouble and responsibility would be accorded to the solicitor at least as cheerfully as to the auctioneer.

It is impossible to doubt that a deep feeling of dissatisfaction with the existing system of transferring land has long pervaded the public mind. We are not called upon now to decide how far the demand for change is reasonable, or to pronounce upon the merits of the various schemes which have been, and will again be, proposed to satisfy it. But this we say, and upon this we ground all our arguments, that something must be

done—with the lawyers' aid, if they will give it; and if not, without their aid.

The question, therefore, for our readers is, whether they will lend their experience and skill to make the measure of reform as perfect as it can be made, or will they stand sullenly aside and allow an inevitable change to be brought about in spite of their resistance. No figures and no arguments will ever persuade the landowner that the present system of transferring land is anything else than an artificial and unnecessary complication, devised and maintained for the benefit of a class which he is disposed to distrust and to dislike. He will continue to believe, at least until the experiment has been tried, that land might be sold as expeditiously as stock, and that the charges upon the transfer of it would be most equitably assessed in the same way. It is vain for the solicitors to ignore or contend against this widely-spread opinion, but we do not apprehend that, if prudently and firmly met, the popular demand for reform will prove injurious to the profession.

THE LANGUAGE OF LEGISLATION.

The minutes of the evidence taken before the Select Committee on the Statute Law Commission have been printed by order of the House of Commons. A few more such commissions, and as many select committees on those commissions, and we shall expect to find our much-abused Statute Book—bulky and voluminous as it is—buried beneath a still greater mass of blue books and parliamentary papers, not much more lucid or intelligible than the enactments which they are intended to improve; while they have not the advantage which the statutes possess, of being necessary, in some shape or other, to the wellbeing of society. It is really becoming a question of the most serious importance, how much longer a work of such moment to the country at large, and of such imperative urgency, as the consolidation of our existing Statute Law, and the scientific arrangement and expression of our current legislation, is to be left in the hands of Mr. BELLENDEN KER and his nominees. There is something hopeless, in taking tip this new Report, to find the same names and the same nostrums as have been before the public, so little to its benefit or satisfaction, in connection with the same subject, for the last quarter of a century. It is about so long since Mr. KER was appointed one of the Commissioners to inquire into the expediency of revising and consolidating the Statute Law. More than twenty years ago, he was the first witness examined before the Select Committee on Public Bills. Since then, he has been a paid Commissioner in all manner of commissions relating in any way to the subject: he is now, and has been for the last three years, the only paid member of the Statute Law Commission; and everybody knows the result, or rather the want of result, which has attended his most remunerative career of commissioner-ships. When we learned, therefore, that Mr. KER was one of the wizards consulted and mainly relied upon by the Select Committee, we had not much expectation that the Report or the evidence would greatly enlighten our darkness. We are glad to find, however, that Mr. HENTLEY and one or two other members of the Committee are fully alive to the real value of words, and are not disposed to accept mere euphemious phrases, which have titillated the fancies of two or three generations of members of Parliament, but have never served any other useful purpose. As containing some admirable specimens of cross-examination by non-professional persons, these minutes of evidence, if they prove of no higher utility, will not be without their use to the student of law. They are also interesting as giving us an insight into the manner in which the LORD CHANCELLOR is wont to be advised as to proposed Government measures on their coming before the House of Lords. After Mr. KER's curious explanations on that

subject, one can hardly be surprised at the fate of the CHANCELLOR'S own measures of law reform during the present session. If we except these two or three little points of incidental interest, and Mr. COODE'S evidence generally, the inquiries of the Committee do not much increase our stock of information as to the defects in the manner and language of current legislation, or as to the means which might be adopted for improving them.

From the time of Sir EDWARD COKE to the present day these defects have been admitted by laymen, and bitterly lamented by lawyers. They have been a prolific subject of satire to those foreign jurists who have condescended to notice English law. They are for the most part patent to all the world; and, therefore, it is not to much purpose, when persons who are supposed to be peculiarly fitted to suggest remedies are consulted, that they should do little else than go over the old ground of grievances, the existence of which nobody denies, and which these gentlemen were called in to remove, and not merely to describe.

The evils of our English system of making statutes may be classified as follows:—

1st. As to the language of our statutes.—There is a great difference of phraseology in different Acts of Parliament to express the same thing, and, what is worse, the language of all statutes, as a general rule, is unnecessarily verbose and involved, both of which evils lead to confusion and uncertainty in the law, and to a great accumulation of enactments that are designed to be merely explanatory and corrective of their predecessors.

2ndly. The absence generally of any attempt at a logical or intelligible arrangement of the subjects comprised in a bill or statute is next to be remarked. It would be easy to mention numerous illustrations of this characteristic of our legislation. We shall merely allude to one of recent date. In a bill which was brought before the House of Commons not long ago by an honourable and learned member, the object of which was the appointment of public prosecutors, it was not considered improper to include a clause by which it was proposed to make it a statutable offence for a servant to steal his master's corn for the purpose of feeding the master's horse. We remember somewhere to have seen a reference to an old statute which still more absurdly commenced by enacting something relating to the admission of attorneys, and finished by prohibiting the importation of horned cattle. Every lawyer can call to mind some ridiculous instance of the same kind.

3rdly. Bills are sometimes framed and passed into laws without much care on the part of the framer or inquiry by the Legislature as to the extent or manner of their interference with existing law. The lamentable case of the British Bank litigation will occur at once to our readers, if proof were needed of what everybody will admit.

4thly. From the manner in which statutes or particular enactments are repealed, sometimes expressly, frequently by implication, often without sufficiently considering how far the repealed Acts affect antecedent ones, there arises now and then the utmost difficulty in determining the law upon any given point. The provisions of the recent Joint-Stock Companies Act, relating to the former Act (7 & 8 Vict. c. 110), and its doubtful operation upon insurance companies, is an instance of this evil.

5thly. Assuming all these sources of error to be removed, and that every bill, when it is laid upon the table of the House, is accurate and intelligible in its language; that it is logical in its arrangement, and drawn with a perfect knowledge of existing law, as well as with a due regard to its operation on statutes actually in force; it is obvious that in its passage through the two Houses of Parliament many alterations are likely to be made, sometimes hastily and crudely, which must

seriously detract from its original merits. Hardly a session passes which does not afford some curious illustrations on this head.

6thly. Considerable embarrassment is sometimes produced by a want of proper attention to the differences between the laws and forms of procedure in Scotland and Ireland, and in England; nor is sufficient care always bestowed in providing that statutes not intended to operate in some parts of the United Kingdom should not have such an effect.

These are some of the principal defects in the mode and form of our legislation, which it is now sought to remedy. In a future number we propose to discuss the various suggestions which have been thrown out to meet the difficulty. It is impossible to overrate the importance of the subject, especially when we bear in mind that all attempts at the codification or consolidation of our existing Statute Law must be comparatively useless, so long as we go on adding every session a heap of ill-drawn statutes, with all the defects of those which we have with so much labour and expense consolidated or reduced into a less objectionable form than that in which they originally obtained the sanction of the Legislature.

Legal News.

IMMINENT LAW REFORMS.

(From the *Daily News*.)

One of the best tests of the practical working power of the new House of Commons will be its ability to deal with those questions of law reform left unsettled by its predecessor. It may not be amiss to give a rapid sketch of some of the more important measures of this kind which are now awaiting the decision of Parliament.

There is, first, the creation of a Department of Public Justice. We give this plan the precedence, as upon the adoption of a wise policy in this respect must principally depend the possibility of a systematic and comprehensive prosecution of Law Reform by the British Legislature. The value of such a department consists mainly in this, that its head would be responsible for preparing and conducting through Parliament those various measures of law amendment which the progress of intelligence and the changes of society imperatively require, and which the existing law functionaries of the Crown, even if they had the will, have not the time to take charge of. A more convincing proof of the necessity for such a functionary can scarcely be conceived than that furnished by the evidence recently taken before the Committee for inquiring into the "Manner and language of Current Legislation." The great difficulty that met this Committee at every turn was how to find a fitting medium of communication between the House and the functionary appointed to revise and classify the public bills of the session. With the introduction of a Department of Public Justice all such difficulty would cease. The two great and important works of revising the language of current legislation, and of expurgating, classifying, and consolidating the Statutes embodying past legislation, would go on concurrently under separate officers, with appropriate staffs of assistants, in the one office of the Minister of Public Justice, who would himself be the medium of communicating the results of their combined labours to the House. The last House of Commons carried an address to the Queen for the creation of a Department of Public Justice: it rests with the new House to follow up their work.

Turning from the constitution of a department charged to watch over the administration and amendment of the law, to the particular measures of Law Reform likely to be brought up for discussion before the new Parliament, we find that many of them involve considerations of the gravest importance, deeply affecting the social and economical interests of the country.

The proposed changes in the Law of Divorce, and in the law regulating the Property of Married Women, will effect, if carried out in a liberal and enlightened spirit, a vast alteration for the better in the legal relations of husband and wife. The Divorce and Matrimonial Causes Bill of last session will, indeed, require considerable modification before it can be

accepted as an adequate remedy for the existing evils. The abolition of the action of *crim. con.*, and of the rule excluding the testimony of the wife, must form part of any measure on this subject intended to be satisfactory. The establishment of an effective Registration of Titles to Land, on the principles developed in the admirable Report to which we have recently had occasion more than once to refer, would work a vast improvement in the laws of land. Without in the slightest degree infringing on the secrecy or security of titles, such a measure would emancipate the owners of the soil from the onerous necessity of submitting to a fresh investigation of their rights of property on every fresh occasion of transfer, and would render dealings in land as facile, as inexpensive, and as safe as dealings in the public funds. While the landed gentry would thus be freed from one of the most grievous of the peculiar burdens now pressing on land, the community at large would benefit in at least an equal degree. The investment of capital in the soil would be encouraged and promoted. The multiplicity of land sales and land pledges would more than make up to the lawyers for what they would lose by the abolition of the present cumbrous system of conveyancing. A fair per-centage commission on land transfers will pay them better and more satisfactorily than the present method of remuneration by skins and folios, by the number of useless steps they can contrive to take, and of useless words they can contrive to darken counsel withal.

Next, probably, in importance to these modifications of the laws affecting Marriage and Land are those relating to the jurisdiction over Wills of personality. In what form the Testamentary Jurisdiction Bill may be presented to the new Parliament it is impossible to say. We may, at all events, be allowed to hope that the measure which last session called forth such unanimous disapprobation from all the eminent lawyers in the Upper House will never again be submitted to the Legislature. On this matter Parliament has a right to demand from the law officers of Lord Palmerston's Government a practical working measure, not such a legislative abortion as that which earned for Lord Cranworth so unenviable a notoriety in the last Parliament.

Passing from the department of Civil to that of Criminal Law, the questions pending for decision, both as to the administration of the law and its substantive provisions, are of an importance that it is difficult to over-estimate. Of alterations in the substance of the criminal law, the most material is that which proposes to make Breaches of Trust the subject not of civil redress only but of penal retribution: an alteration which has long been imperatively required, and which, as recent notorious instances of mercantile profligacy prove, can no longer be delayed, without the gravest reproach to our whole system of jurisprudence. Among the changes in the administration of the criminal law, the institution of Public Prosecutors and the introduction of more available methods for the detection and investigation of crime, will probably again be brought before the attention of Parliament. A far more momentous and more difficult class of questions in connection with the subject of Penal Discipline will undoubtedly occupy their attention. Discussions on the amendment of the Penal Servitude Act, on the continuance or discontinuance, the extension or abridgement of Transportation, will open up again the whole wide question of secondary punishment. The cessation of the ticket-of-leave panic will facilitate the discussion of this question in a calmer and more philosophical spirit than was possible when it was last before Parliament; and we shall hope to see that the new House will not, at all events, fall short of the old, in the statesmanlike temper so essential for wise deliberation on questions entirely remote from party politics, and intimately affecting the most important interests of the community. As a branch of the same great subject, the reformatory treatment of juvenile criminals will, of course, claim its share in the attention of the new House. Our recently elected legislators will find full employment for the best exertion of their highest faculties in accurately drawing the line between that treatment of criminal and vagrant children which the interests of humanity and civilization demand, and that which confers upon offending or predatory poverty, education and care which are denied to the pauper child who has never qualified himself for reformatory or industrial schools by street vagrancy or petty crime. Such is a rapid outline of some of the more prominent measures of social reform more or less connected with the amendment of the law which await the consideration of the new Parliament. It may be that before the House meets we may take the opportunity of recurring more in detail to one or two of the number.

CRIMINAL JUSTICE IN NEW YORK.

Court of Special Sessions—March 21.

BEFORE JUDGE A. D. RUSSELL.

The court-room was crowded to its utmost capacity this morning with prisoners, witnesses and spectators, and by looking at the culprit's box one would imagine that it would be impossible for even our efficient and discriminating City Judge to give them a fair and impartial trial if he were to preside on the bench till a late hour in the day; but before noon the destiny of most of them was determined, for the coming summer at least. Indeed, if Judge Russell were to allow each witness to spin out a long yarn preparatory to what they know about the matter under investigation, and if he would permit the crowd of petti-foggers who infest the Tombs, and who used to make the walls of this criminal asylum echo their grandiloquent speeches, previous to his elevation to the bench, he would be compelled to sit till midnight. A striking instance of this fact occurred this morning, when the first case was called on. Henry Cone and Robert Lipsey, two young men, were charged with stealing a silver watch, valued at 25 dols., the property of Thomas G. Bennett.

"I appear for Cone, may it please your Honour," said an ambitious disciple of Story, with an unexceptionable moustache.—"I represent Mr. Lipsey, may it please the court," observed another aspirant for legal fame.—Here a dyspeptic old gentleman, who, to all appearance, was one of the water-cure and cracked-wheat disciples, approached the bench, with measured steps, and informed the judge that he was there on that momentous occasion to protect the rights of the complainant.—"I have a word to say," said one of the counsel, "before the case proceeds."—"Say it, sir," responded the judge, in a tone which threw cold water on his hopes of creating a sensation by an elaborate opening.—"We will make it appear, your Honour, that this complainant was so drunk that he mistook a lamp-post for an intimate friend."—"Call up your witness, and stop your speechifying here," shouted the judge peremptorily.—He listened patiently to the evidence for a moment or two, and with remarkable intuition, which seems to be his distinguishing characteristic, perceived that it was insufficient to convict the accused, and said, "I find him not guilty."—At this juncture of the trial the vegetarianish looking advocate mildly addressed the bench, saying "that the story of his client was perfectly truthful."—"I don't want to hear you at all; boys go."—The mother of the young man who lost his watch endeavoured in vain to speak with the judge, and the friends of the party left the court.—*New York Herald.*

It may be said, indeed, that, with us, cases are tried before a jury of reporters, who do the labour which the law imposes on a regularly empannelled petty jury. Nor does the peculiarity stop here. The vivacity of our people, the unparalleled publicity in which we live, and the intense interest taken in important trials, make us, one and all, parties in leading cases, and more than speculators of the result. We take sides, and discuss them with the earnestness of interested parties. We raise all kinds of side issues in the press and in society, and fight them out before we come to the real issue. A great law case in New York at the present day appears to be a matter of life and death to half the population. Look for instance at the Burdell murder case. Mr. Eckel and Mrs. Cunningham are going to be tried on a charge of murdering Doctor Burdell. Nothing more simple, at the outset, than the main issue—did they kill him or no? But before we can get to that, a thousand minor issues must apparently be adjusted. If we go on at this rate, our trials will come to be more popular elections than judicial proceedings. When the press is discussing the principal and collateral issues of a leading case, every morning in the week, and every newspaper takes a side, it is utterly ridiculous to expect that the public can remain a dispassionate spectator of the scene. The people will take sides, too; will cling to them with the force of prejudice and passion; and will feel a personal concern in the result. The jury will be partisans before they enter and while they occupy the jury box. A trial like that of the persons accused of murdering Doctor Burdell, will be far more like our fall elections than an event in the administration of justice.—*New York Herald.*

COURT OF EXCHEQUER.

(Sittings at Nisi Prius before Mr. BARON WATSON, and a Common Jury.)

April 18th.—BASTICK v. TULLITT.

Agreement—Penalty—Liquidated Damages—Fresh Agreement enlarging Time for Performance—Stamp.

Where an agreement for the performance of several matters stipulates that in default of either of the parties duly performing every part of the agreement the party making default shall pay the other a sum specified, and it is not expressly provided that such sum shall be regarded as liquidated damages, it is to be construed as a penalty. An unstamped agreement, enlarging the time for performance of another agreement previously entered into, the subject-matter whereof was of the value of £20, and which was duly stamped, was admitted in evidence; but *quære* whether, inasmuch as it amounted to a fresh agreement, the admission of it without a stamp was right?

This was an action upon an agreement, entered into between the plaintiff and defendant, for the sale of the good-will, stock, and fixtures of a public-house. The agreement contained a provision, that, in default of either of the parties duly performing every part of the agreement, the party making default should pay to the other who should be willing to complete the same "the full sum of £50."

It was stipulated that the contract was to be completely performed by a certain day; but the time for performance was subsequently enlarged by the following memorandum signed by the parties, and endorsed upon the original:—"Memorandum. We, the undersigned, mutually consent for this agreement to stand over till Thursday, Dec. 18th, 1856." The original agreement was duly stamped; but the memorandum enlarging the time for performance was not stamped.

Upon these facts two points of law arose during the trial. 1st. The counsel for the plaintiff submitted, that, the defendant having made default, the plaintiff was entitled to recover the entire sum of £50, as liquidated damages.

Mr. Baron WATSON held that the sum specified was to be treated as a penalty only, and said it was a general rule, that, where an agreement provides that several things shall be done, and contains a provision that in the event of default in performance of any of them, the party making default shall pay the other a sum of money—unless the agreement expressly provides that such sum shall be regarded as liquidated damages—it is to be treated as a penalty. But this rule does not apply where the agreement is for the performance of one thing only.

2ndly. The plaintiff's counsel submitted that the memorandum of agreement enlarging the time was admissible in evidence without a stamp—that, although the subject-matter of the original agreement was of the value of £20, and although the memorandum amounted to a fresh agreement, the subject-matter of this fresh agreement was not of the value of £20 within the meaning of the Stamp Act (*Bacon v. Simpson*, 3 M. & W. 78; *Hill v. Ram*, 5 M. & G. 789).

Mr. Baron WATSON said he was of opinion that the memorandum was inadmissible. The first agreement was entirely at an end; and *Goss v. Lord Nugent* (5 B. & Ad. 56) showed that an agreement enlarging the time of performance is a new agreement. His opinion, therefore, was that it required a stamp.

His Lordship then went to consult one of the other judges, and on his return said, his learned Brother thought the question was one of considerable doubt, and it would, therefore, be better to admit the evidence. The unstamped memorandum was accordingly admitted.

The action was ultimately settled by the plaintiff agreeing to accept a verdict for £20 and one shilling, each party to pay his own costs.

Mr. Pridgeaux was counsel for the plaintiff. Mr. Hawkins for the defendant.

CORONER'S CHARGES.—COURT OF QUEEN'S BENCH, April 20.—THE QUEEN v. THE JUSTICES OF GLOUCESTERSHIRE.—Sir F. Theisger moved for a rule to show cause why a *mandamus* should not issue to the justices of Gloucestershire, commanding them to order payment of certain fees and allowances to Mr. Gaisford, one of the coroners for the county. The present application had been rendered necessary by the circumstance that coroners were obstructed in the performance of their duty by the narrow view taken by the magistrates of that duty, and their disposition to disallow the costs of holding inquests except in a limited class of cases.—Lord Campbell said that in many cases, he believed, the magistrates had rendered great service in checking the abuse of coroners in holding inquests where there was no pretence for their so doing.—Sir F. Theisger said, the magistrates appeared to have laid down a rule, that where the jury found that the person had died by the visitation of God, or by accident, the coroner was not entitled to hold an inquest, and that his charges in such cases ought to be disal-

lowed. The chairman of the Gloucestershire Quarter Sessions had published a pamphlet, in which he had laid down the rule, that unless there was violence, either known or suspected, and in cases where the jury found that the party died by the visitation of God, or by accident, the coroner was not entitled to hold an inquest.—Lord Campbell said, it could not be laid down as a general rule, that, where the jury found that the party died by the visitation of God, the expenses ought to be disallowed.—Mr. Justice Erle observed, that he had been officially spoken to on circuit by magistrates to know in what way they could check the growing evil of coroners improperly holding inquests.—Lord Campbell said that in some instances the feelings of relatives were very improperly outraged.—Sir F. Theisger was aware that that was the case, but at the same time he contended that when coroners properly discharged their duties they ought to be supported. In one of the cases upon which application was now made to the court, a woman aged sixty was found lying dead upon the floor. She had not been attended by any medical man, and she had not been subject to any known disease. The coroner had travelled sixteen miles to where the body was lying, and held an inquest, and the jury found that the party died "by the visitation of God." In another case he received notice from a police-officer that a child sixteen months old had been scalded to death. He travelled eleven miles to hold an inquest, and the jury found that the child had died by an "accidental scalding." The account of the expense of holding these inquests was laid before the quarter sessions, and taken into consideration at an adjournment, when the magistrates allowed the coroner the disbursements made by him in holding the two inquests, but they disallowed the coroner's fee of £1, to which he was entitled under the 25th of Geo. 3, cap. 29, and a further fee of 6s. 8d. to which he was entitled under the 1 Vict. c. 68. It was contended that by allowing the disbursements the magistrates admitted that the inquest was properly held, and that the coroner was entitled to his fees. The learned counsel read a passage from the chairman's pamphlet, in which he laid down the rule that the mere fact of a sudden death was not sufficient for holding an inquest; there must also be a "known or reasonable suspicion of violence."—Mr. Justice Erle said, he thought that was very nearly a true rule.—Sir F. Theisger said, that, while it was of importance to check the holding of improper inquests, it was also desirable that the duties of the coroner should not be interfered with, and he hoped the court would grant the writ in order that the question might be discussed.—Lord Campbell said, it was desirable that a rule should be laid down for the protection of coroners as well as the rate-payers of the county, and for that purpose the learned counsel might take a rule to show cause.—Rule nisi granted.

At the Bath quarter sessions, held on Thursday week, not a single barrister was retained to defend any of the prisoners. The number of barristers present was greater than the number of cases to be disposed of, consequently the briefs for the prosecution did not give them one each.

Recent Decisions in Chancery.

TRUSTEE—STOP ORDER—NOTICE.

Elder v. Maclean.

A stop order is analogous to notice to a trustee or the holder of a fund; and though as between the assignor and assignee of a fund in court, it cannot be considered that a stop order is, in any way, necessary to complete the title of the assignee—except, perhaps, in some cases where the question of "order and disposition" arises under the bankruptcy of the assignor; yet it is always necessary in cases where it would have been imperative to have given notice to trustees, if the fund had been in their hands instead of the court's. The principal object, both of a stop order and of notice, is to prevent fraud on the part of the assignor; and to save persons other than the first incumbrancer from dealing with the fund, ignorant of a prior charge. In cases where the trustee himself advanced money to his *cæstui que trust*, and had taken an equitable assignment, it has been held that it was not necessary to give notice to anybody else, or to substitute anything for notice to the trustee, inasmuch as the object of notice was effectually attained, the trustee having all the information which he could possibly get from formal notice; and it might be presumed that he would have no interest to conceal his own incumbrance from any person proposing to advance money on the security of the fund, who applied to him for

information as to previous incumbrances. In *Elder v. Maclean*, 5 W. R. 447, after a trust fund came into court, and while it was in the name of the Accountant-General in trust in the cause, the plaintiff, who was the sole trustee of the fund, made an advance to one of his beneficiaries, on an agreement to charge his share, which was done, and the question was, whether it was necessary for the trustee plaintiff to obtain a stop order to maintain his priority, as it would have been, without any doubt, if he had not been a trustee or a party to the suit? V. C. Kindersley answered this question in the affirmative, upon the ground, that, when once the fund had been paid into court, the court became the trustee of it, and a stop order only would have the same effect as notice to the trustee before it had been paid in. "It might be said," observed his Honour, "if a party to a suit took an assignment on the share of a beneficiary, and applied for a stop order, the fund could not be parted with without his knowledge, because he was a party to the suit; but still the stop order would be granted, not merely that the fund might not be parted with without notice, but that the person who was intending or proposing to advance money might inquire whether there was a stop order, and therefore the trustee could not be absolved from the necessity of obtaining a stop order on account of his trusteeship, or of his being a party."

HUSBAND AND WIFE—CREDITOR—SETTLEMENT— STATUTE OF FRAUDS—PART PERFORMANCE.

Warden v. Jones.

It has long been settled that a parol contract in consideration of marriage, followed only by marriage, will not be carried into effect; marriage being held no part performance of the contract so as to preclude the operation of the Statute. The reason, or rather the necessity, of this doctrine is obvious. The Statute avoids all parol contracts founded on the consideration of marriage. If marriage were held a sufficient part performance to take the case out of the statute, no case would be within it, and there would be an end to the Statute altogether so far as marriage contracts are concerned. The exception, in fact, would be co-extensive with the rule, and every parol marriage contract would of necessity be binding. The objection which exists to holding marriage itself a part performance of a parol contract, does not apply where other acts besides that of marriage are relied on to constitute the part performance. For example, in *Dundas v. Dutens* (1 Ves. 196), it was strongly intimated by Lord Thurlow that a parol ante-nuptial contract, followed by a post-nuptial settlement in pursuance of it, was not avoided by the Statute of Frauds; and that the execution of such a settlement might even be enforced in a suit for specific performance. The later cases were considered by the Master of the Rolls to have upset this doctrine; and he accordingly decided, in *Warden v. Jones* (5 W. R. 446), that, where a contract to settle the wife's personality had been entered into verbally before marriage, and duly executed by a settlement made shortly after the marriage, the settlement was not helped by the consideration of the previous contract, and was voluntary and void against the husband's creditors. The principal authorities on the point are *Hammersley v. De Biel* (12 Cl. & Fin. 45), *Lassence v. Tierney* (1 Mac. & G. 551), and *Surcombe v. Pinniger* (3 De G. M. & G. 571). *Hammersley v. De Biel* was a case where the lady's father agreed by parol with the husband to make a certain provision for his daughter if the husband would settle an annuity of £500 a-year. The husband did so, and it was held that this was a part performance, and took the case out of the Statute. In *Lassence v. Tierney* there was a parol contract before marriage, relating to the wife's real estate. After marriage, a deed intended to carry out the contract was executed, but never acknowledged by the wife. It, therefore, had no operation on her real estate; and Lord Cottenham accordingly held that there was no part performance of the parol agreement. "There was nothing," he said, "but a parol contract before marriage, and nothing but marriage following, and that would not support the contract." *Surcombe v. Pinniger* was a case before the Lords Justices, where a father told the intended husband, shortly before the marriage, that he would give to the couple certain leasehold property. After the marriage, he allowed his son-in-law to enter into possession, and to expend money on the improvement of the property. This was held a sufficient part performance, L. J. Turner observing that the case presented what was wanting in *Lassence v. Tierney*, namely, acts of part performance, besides the marriage; and adding, that it had been held in many cases, that, if there be a written agreement after marriage, in pursuance of a parol agreement before marriage, this takes the case out of the statute, and so does part performance.

The Master of the Rolls, in the present case, considered that it was essential, in order to constitute a part performance, that the acts should be done in pursuance of an agreement, to which some other person besides the husband and wife was a party. This was the case in both the authorities which we have mentioned, and it has now been laid down that no act whatever can constitute an effectual part performance of a parol marriage contract, to which no one besides the intending husband and wife has been a party.

NEXT FRIEND—DISENTAILMENT BY LUNATIC.

Elliott v. Inc.

This case, reported 5 W. R. 465, contained a new point of practice—namely, that a defendant and respondent, having no adverse interest, may be next friend to a married woman, who is a defendant and appellant. This seems on principle to apply to the case of a plaintiff, a married woman, naming a defendant as next friend; but the practice of the Record and Writ Clerks' Office is still to refuse to file a bill so framed. The main question in the case was, whether acts of disentailment of copyholds, done under the power of attorney of a lunatic, could be upheld after a long interval, during which the lunatic had died. The old rule seems to have been, that all such acts done by a lunatic, whether as part of a bargain or without consideration, were absolutely void, though, by a legal fiction, a recovery suffered by a lunatic in person was good, because it was assumed to be impossible that a judicial proceeding could have been allowed to go on if the parties were insane. A new doctrine has grown up of late years, and it is now settled that, *bona fide* dealings with a lunatic, by way of bargain or sale, without notice of the lunacy, will not be disturbed. In the present case the lunatic, Mrs. Cumming, executed the power of attorney merely for the purpose of barring the estate tail, and not in pursuance of any contract; and though it was contended that the acts would be treated as voidable only, and not void, as suggested by Lord *Truro*, in *Price v. Berrington*, 3 Mac. & G. 486, the Lord Chancellor held that the doctrine had no application, except in cases of contract, and declared the attempted disentailment void, subject, however, to the result of an issue to try the fact of the lunacy at the period in question.

Cases at Common Law specially Interesting to Attorneys.

SPRING GUNS, &c.—LAW AS TO.

Wootton v. Dawkins, 5 W. R., Q. B. 469.

The right which the owner of land has to protect his property against the intrusion of others was, by the common law, almost unlimited. But its existence to this extent being found liable to abuse, the 7 & 8 Geo. 4, c. 18 was passed, by which it was made a misdemeanour to set "any spring-gun, man-trap, or other engine calculated to destroy human life, or inflict grievous bodily harm upon trespassers or others coming in contact therewith," with a proviso, however, as to gins or traps set to destroy vermin, and as to spring guns and other engines set in dwelling houses from sunset to sunrise.

The leading cases upon the subject of injuring trespassers by spring-guns or similar engines are, *Ilott v. Wilks* (3 B. & Ad. 308), *Deane v. Clayton* (7 Taunt. 518), and *Bird v. Holbrook* (4 Bing. 628), all before the date of the above statute; and these decisions so far define the common-law right above alluded to, as to establish that one who, without notice, sets such engine and injures a trespasser, makes himself liable to an action; and in one of the very few cases in which an action for an injury caused by an engine of this kind has been brought since the above statute—viz. *Jorden v. Crump*, (8 Mee. & W. 782), the dog of the plaintiff only, and not himself, was injured. The case above noticed of *Wootton v. Dawkins*, is the first, it is apprehended, in which the Statute of George 4 has received any judicial construction. It appeared by the evidence at the trial, that a fowl of the plaintiff having strayed from his premises, and the plaintiff having reason to believe it had wandered into the garden of the defendant, close by, he went in the day time with the defendant and saw it there, but they were unable to catch it. On the following night, about nine o'clock, when it was dark, he climbed, without the defendant's knowledge or permission, into the garden, with the view of catching the fowl, and while stooping under a bush, he came in contact with a wire, which caused a detonating machine to explode, with a loud noise, so as to knock him down, and in-

jure his eyes and hand. No other evidence was given as to the nature of the instrument, or that it was calculated to destroy life, or inflict grievous bodily harm. On this ground, *Wightman, J.*, at the trial, nonsuited the plaintiff; and a rule *nisi* to enter the verdict for him, notwithstanding, was refused by the Court of Queen's Bench—*Erle, J.*, saying, that there is nothing either at common law, or by the statute, to prevent a man using any instrument calculated to create alarm, provided it is not by an engine dangerous to life or limb.

ATTORNEY'S CLERK—ATTENDING TAXATION BY—SETTING ASIDE JUDGMENT SIGNED ON A JUDGE'S ORDER.

Perkins v. The National Assurance and Investment Association, 5 W. R., Exch., 470.

This was an application, on the part of the plaintiff, for a rule to show cause why an order of Mr. Justice Coleridge, setting aside the judgment signed by the plaintiff, should not be rescinded. The order was made under the following circumstances:—On the 24th of March, 1856, an order by consent was made for a stay of proceedings in the above action, on payment of a certain sum by the defendant, and costs to be taxed; on default, judgment to be signed. On the same day on which this order was made the plaintiff served the attorney of the defendant with an appointment to tax for the following day. Accordingly, on that day (March 25), the plaintiff's attorney attended the taxation in person; his costs were taxed, and the Master gave his *allocatur* for the amount. The taxation was attended by a clerk of the defendant's attorney; and after the *allocatur* was made, the plaintiff's attorney demanded from such clerk the amount of the sum mentioned in the order, and of the costs allocated; and, on his saying he had not the money with him, signed judgment in the action on the same day, and on the day following issued execution thereon. Mr. Justice Coleridge made the order setting aside such judgment, on the ground that sufficient time for payment of the debt and costs had not been allowed after taxation. It was now argued that the person attending the taxation in such a case ought to be prepared with the money; but the Court said that it was not reasonable to expect that an attorney's clerk, attending to tax the costs, should have in his pocket the exact amount of the debt, together with any costs that might be allowed on taxation. They therefore refused the application; but they declined to lay down any general rule as to the time when judgment might be signed under such circumstances as those above mentioned.

Hence it would seem that applications of this nature must depend upon the special circumstances of the case. Probably the cases in which judgment signed in default of a plea has been set aside on an affidavit of merits, are those which are most likely to afford a useful analogy. Such a case, for example, as that which is reported in 4 Taunt. 885, where the court refused to interfere in favour of the defendant, though he had a good legal defence to the action, because he had refused a liberal offer which had been made to him by the plaintiff before action brought.

MILEAGE—SHERIFF'S OFFICER, RULE AGAINST.

Gill & others v. Jose, 6 Ell & Bl. 718.

A rule had been obtained in the Queen's Bench calling upon J. S., an officer of the Sheriff of Cornwall, who had executed a *fi. fa.* in the above case, to show cause why an attachment should not issue against him for taking and demanding certain fees not allowed by law. J. S. had charged one shilling a mile as mileage, whereas, by the table of fees sanctioned by the judges under 7 W. 4 & 1 Vict. c. 55, the mileage chargeable is only 6d. per mile. It was, however, admitted that in Cornwall the practice had been to allow one shilling a mile, and, consequently, the court, in making the rule absolute, observed that no great blame could be thrown upon the officer as for a *mala praxis*; and directed the attachment not to issue, if, in the course of a week, the excess of mileage should be repaid, together with the costs of the application.

It may be remarked, that, before the above Statute, the practice was to call upon the sheriff alone to refund the excess. The effect of the Act is, to allow the officer to be called upon to answer for his contempt; but, from the case of *Blake v. Newburn* (5 D. & L. 601), the regular course would seem to be, to join in one rule an application that the sheriff should refund, and that the officer should answer. In the application above noticed, the sheriff does not appear to have been included.

BREACH OF CONDITION IN ORDER MADE A RULE OF COURT—REMEDY FOR.

Baynton v. Baynton, 1 C. B., N. S., 220.

In this case an application was made to rescind a rule of

court which a judge's order by consent had been made, on the ground that the terms of the rule had not been complied with. But the court intimated that this could not be done, and that the only course was to enforce the performance of the rule in the usual manner—i. e., by attachment, or by execution, if a rule for the payment of money.

EVIDENCE, PROCURING—MANDAMUS UNDER 13 GEO. 3, c. 63.
Kelsall v. Marshall, 1 C. B., N. S., 266.

In this case (which turned on the construction of an act of council of India enabling the Union Bank of Calcutta to sue and be sued in the name of their secretary or treasurer) a rule nisi had been obtained for a writ in the nature of a *mandamus* under 13 Geo. 3, c. 63, s. 44, for the examination of witnesses on the part of the plaintiff before the supreme court of judicature in Bengal. An action having been brought by a creditor against the secretary of the bank, both the declaration and the pleas had been demurred to, and the above rule was obtained *before such demurrers had been argued*. The Court now held that the rule had, notwithstanding, been moved for at the proper time, and made it absolute.

It may be remarked that an application for a *mandamus* under the above provision is one of the few which must be made to the Court, and cannot be entertained at chambers (*Clark v. East India Company*, 6 D. & L. 278); and that the application must always be for a rule nisi (*Doe d. Grimes v. Pattison*, 3 D. P. C. 35).

INNKEEPERS—EXTENT OF THEIR LIEN.

Snead v. Watkins, 1 C. B., N. S., 267.

In the case of *Broadwood v. Grenara* (10 Exch. 417), the Court of Exchequer examined into the nature of an innkeeper's lien upon goods brought into his house by his guests, and they held that such lien did not extend to a *pianoforte*, lent to a professional pianist there commorant, when the innkeeper knew the instrument was the property of the lender, and continued to give credit, notwithstanding. In the above case it was attempted to exclude the innkeeper's lien from all goods which, in point of fact, belonged to a third person, however introduced into the inn. It was an action by an attorney for the conversion of a blue bag and letter-book belonging to him which had been brought into the inn of the defendant by one H., a witness for the plaintiff in an action in which he was engaged, and formerly his clerk, and which H. had left behind him in the inn on leaving it with his bill unpaid, though he had been provided with proper money by the plaintiff to meet such charges. The Judges of the Court of Common Pleas all held that the fact of the bag being brought by H. to the house of the defendant in the ordinary way, with some things of his own in it, distinguished it very materially from the above-mentioned case of *Broadwood v. Grenara*; and, without hearing counsel, gave judgment in favour of the innkeeper.

INTERROGATORIES UNDER THE COMMON LAW PROCEDURE ACT, 1854.

Bird v. —, 1 C. B., N. S., 308.

In this action (which was for not delivering, according to contract, iron shipped by the defendant for the purpose of being conveyed for the plaintiff to the Baltic) the defendant sought to deliver interrogatories, under the 51st section of the Common Law Procedure Act, 1854, to the plaintiff in order to ascertain certain facts which he could, in all probability, have obtained from his own agents—viz. the masters of the vessels in which the iron had been shipped. And, as it did not appear that any steps had been taken to obtain such information from these sources, but that the object of the application was rather to obtain a knowledge of the plaintiff's evidence than anything else, the Court refused to entertain it.

Law Newspaper Company Limited.

Special General Meeting held at the Law Institution, on Wednesday, April 15th, 1857.

PRESENT.

Mr. COOKSON in the Chair.

Mr. Janson	Mr. Lake
" T. H. Bower	" J. H. Shaw (Leeds)
" G. Thorley (Manchester)	" A. P. Bower
" Field	" Cotton
" Williams	" Crafter
" A. Ryland (Birmingham)	" R. Maughan

Mr. J. A. Rose

" Barker
" Pollock
" Peake
" Parke
" Benham
" J. Case (Maidstone)
" E. Clowes
" J. E. Clowes
" Patteson
" Burton

Mr. Bromley

" J. J. Sudlow
" Parkin
" Sturmy
" Bockett
" Manning
" Beaumont
" Bell
" Fluker
" W. C. Smith
" W. Shaen

Mr. SHAEN read the following Report:—

The twenty-third of the Company's Articles of Association provides that a General Meeting of the Proprietors shall be held at some period within twelve months from the date of its incorporation, but the Provisional Directors were desirous to make their Report to the shareholders, and ascertain their views as soon as the progress of the undertaking would allow, and the present meeting has accordingly been convened.

No notice of any intended motion has been received, and the business of the meeting will therefore be confined (in accordance with Article 30) to the matters contained in the circular lately issued, a copy of which has been sent to every shareholder.

The Directors proceed to give a sketch of their proceedings from the formation of the Company, and to show its present position and prospects.

The undertaking was engaged in because of a very general feeling among the more active members of the profession throughout the kingdom—a feeling which the Directors have frequently expressed—that the great objects of uniting its scattered members in a common cause of action, raising its tone and character, and vindicating the claims of the attorneys and solicitors of England to occupy a place in public estimation not inferior to that of the practitioners in any other profession, would never be fully secured until the body had made for itself a voice in the press of the country—until it possessed an organ distinctively representing the profession, and conducted with the single view of promoting these ends without reference to mere pecuniary results.

Having met with a cordial assent to these views in various parts of the country, and the Joint-Stock Companies Act, 1855, offering the means of practically testing them in a way which would involve but little individual risk to those who might be disposed to co-operate with them, the promoters resolved to assume the responsibility of forming a Company on the footing of limited liability to carry out the objects they had in view.

Accordingly, in May, 1856, three of the present Directors, at the request of a Committee of upwards of twenty town and country solicitors, which had been formed at Birmingham in October, 1855, registered a Law Newspaper Company Limited in their own names.

Various circumstances, however, including the unsettled state of the Law of Limited Liability, retarded the progress of the Company until the meeting of the Metropolitan and Provincial Law Association at Liverpool in October last. Many solicitors from various parts of the country attended that meeting, and took the opportunity to urge the Directors to proceed without further loss of time. The Directors therefore resolved to commence the work at once, and a memorandum of association was accordingly prepared and signed at Liverpool under the provisions of the Joint-Stock Companies Act, 1856 (which had been passed in the meantime), by seven gentlemen, of whom five were provincial and two were London practitioners. As this memorandum was not accompanied by any articles of association, it was afterwards found convenient to substitute for it another, which was signed by the seven gentlemen who now appear as the first registered shareholders of the Company. Only two of these happened to have also signed the memorandum prepared at Liverpool, though all of them were members of the Provisional Committee formed in 1855.

The scheme was no sooner placed before the profession than numerous applications for shares were received, and in a short time they exceeded by several hundred the number at the disposal of the Directors. The Directors consequently resolved not to allot more than five shares to any applicant, and they have now formed a Company consisting of eighty-one London and ninety-three country solicitors, including members of many of the largest professional houses in town and country, while they have twenty-three shares still unallotted, which they trust will be so disposed of as still further to add to the influence which they are confident the Company must eventually exercise.

In order to avoid adding to the number of legal periodicals already existing, and also wishing to avail themselves of a connection already formed of some strength and of great respectability, the Directors, before commencing *THE SOLICITORS' JOURNAL AND REPORTER*, deemed it expedient to purchase from Mr. Maugham the copyright and goodwill of the *Legal Observer*, which had been originally founded with very similar views to their own, and had been, during its entire existence (a period of upwards of a quarter of a century), the only Journal which was the property of solicitors, and whose interests it distinctively represented.

The Directors believed, that, in order to give to *THE SOLICITORS' JOURNAL* the authority and circulation which the *Legal Observer* wanted, it was necessary—first, to increase its size; secondly, to procure the highest available talent for its articles; and thirdly, to supply, in addition to general legal information, a good series of reports in a form adapted to the exigencies of a solicitor's office, and the earliest information of all important decisions of the courts.

For the first object the capital provided will, it is believed, prove ample. The second the Directors trust is already secured by the nomination of a thoroughly independent and able Editor. The third, also, the Directors believe they have successfully attained by the very satisfactory arrangement into which they have entered with the proprietors of the *Weekly Reporter*.

It remains, therefore, to be seen whether the profession is prepared to receive the *JOURNAL* in the spirit in which it is offered, and to give to it that widely-extended support which forms in itself the means of usefulness, and, indeed, the very life of all periodicals.

A circulation is already secured, which, in the case of any ordinary professional journal, would be a remarkable success; and it has been highly gratifying to the supporters of this publication to find that whenever they have had the opportunity of fairly stating their views and objects, they have, with very few exceptions, met with the assurance that the *JOURNAL* supplies a long-felt professional want. But it is notorious, that, without a considerable expenditure and zealous personal exertions, it is next to impossible to secure the attention of any large number of the scattered and busy members of our body.

The Directors feel that their work will not be completed until every attorney and solicitor in the Law List has had the claims and merits of this *JOURNAL* brought under his personal notice, and a general canvass to effect this important object is now in progress. Wherever it has been carried out at all completely, the result has amply rewarded the exertions made.

The Directors feel it unnecessary to offer any comment upon the ridiculous attacks which have been made upon the undertaking. They have not allowed, and will not allow, themselves to be drawn into any controversy with the conductors of any other journal: the columns of the paper can be more worthily and more usefully filled.

The real nature and objects of the Company having been fully stated, the Directors have now only to request the shareholders to assist them in warning the great body of the profession against the fatal policy of creating divisions between the town and country members—a policy obviously suicidal, and most injurious to both classes.

It is now the duty of the shareholders to elect from among themselves a Board of Directors, whose task it will be to superintend the affairs of the Company during the ensuing twelve months, and who will no doubt exert themselves efficiently to discharge the functions of their office. There are, however, various ways in which it is in the power of the shareholders to assist the attainment of the common object, by services as important as those rendered by the Directors; and the Directors cannot better conclude this Report than by urging upon every shareholder to take every fitting opportunity—first, of bringing before his professional friends and connections the professional claims of *THE SOLICITORS' JOURNAL* to support; second, of sending advertisements for insertion in its columns; and third, of sending to the editor from his own locality communications of general professional interest.

Mr. BURTON moved, and Mr. PEAKE seconded, and it was carried unanimously, that the Report now read be received and adopted; and that the best thanks of this meeting be given to the Directors for the mode in which they have conducted the business of the Company up to the present time.

The CHAIRMAN announced that the next business would be the election of a Board of Directors, of not less than ten, or more than twenty members; and that nominations had been received of Mr. W. L. Farrer, of London; Sir Wm. Foster, of Norwich; Mr. John Stallard, of Worcester; and Mr. John Case,

of Maidstone, who, with the retiring sixteen Directors, were all eligible.

It was moved by Mr. BOCKETT, seconded by Mr. PARKIN, and carried unanimously, that the sixteen gentlemen who retired this day be re-elected Directors of the Company.

It was moved by Mr. LAKE, seconded by Mr. BURTON, and carried unanimously, that Sir Wm. Foster be elected a Director of the Company.

It was moved by Mr. BOCKETT, seconded by Mr. FIELD, and carried unanimously, that Mr. W. L. Farrer be elected a Director of the Company.

It was moved by Mr. PEAKE, seconded by Mr. BARKER, and carried unanimously, that Mr. John Stallard, of Worcester, be elected a Director of the Company.

It was moved by Mr. FIELD, seconded by Mr. SHAW, and carried unanimously, that Mr. John Case, of Maidstone, be elected a Director of the Company.

It was moved by Mr. POLLOCK, seconded by Mr. BURTON, and carried unanimously, that this meeting congratulates the Directors on the appointment they have made of Editor to *THE SOLICITORS' JOURNAL*, and highly approves of the manner in which the paper has been conducted since its commencement.

It was moved by Mr. T. H. BOWER, seconded by Mr. BURTON, and carried unanimously, that Mr. Peake and Mr. Pollock be appointed honorary auditors for the ensuing year.

It was moved by Mr. CASE, seconded by Mr. FIELD, and carried unanimously, that the country shareholders be requested to form themselves into distinct committees, for the purpose of canvassing their different localities, and of supplying information and offering suggestions as to the conduct and management of the paper.

It was moved by Mr. FIELD, seconded by Mr. WILLIAMS, and carried unanimously, that, in accordance with the express wish of the Directors, the London shareholders, not being Directors, be requested to form themselves into a shareholders' committee, for the purpose of arranging a complete canvass of both town and country, and that such a number of copies of the paper be placed at their disposal for gratuitous circulation as they may deem requisite.

It was moved by Mr. BURTON, seconded by Mr. POLLOCK, and carried unanimously, that the London shareholders, other than the Directors, do now form themselves into a committee for the purpose of taking measures to increase the circulation of *THE SOLICITORS' JOURNAL*, and otherwise to promote the interests and business of the Law Newspaper Company, not, however, in any way interfering in the management of the paper, or the duties of the Directors; and that Mr. Shaen, having kindly consented to act, be appointed secretary to such committee.

It was moved by Mr. BENHAM, seconded by Mr. ROSE, and carried unanimously, that the best thanks of the meeting be given to the Chairman, for his conduct in the chair.

Professional Intelligence.

METROPOLITAN AND PROVINCIAL LAW ASSOCIATION.

A meeting of the Managing Committee was held on the 8th of April, when a communication was read from the hon. secretary of the Northern Circuit Committee, stating that a meeting of that committee had been held on the previous day to consider whether any steps should be taken in consequence of the recent unfounded attacks, by the editor of the *Law Times*, upon the Association; and that a resolution had been adopted, to the effect that the attacks were wanton and unjustifiable, and bearing a willing testimony to the disinterested labours which the London members of the Managing Committee had at all times, since the formation of the Association, bestowed in promoting the interests and usefulness of the profession at large, in advancing its social status, and carrying into effect the objects of the Metropolitan and Provincial Law Association, and declaring that the London members of the committee were eminently entitled to the confidence and support of that meeting, and of every individual member of the profession. At the same meeting of the Northern Circuit Committee a further resolution was adopted, to the effect that the tone and character of the attacks alluded to would justify the Managing Committee in declining to make any further communications to the *Law Times*, but recommending them for the present to forward communications to that journal as heretofore.

Letters were read from a considerable number of provincial members of the committee condemnatory of the conduct of the

Law Times, but many of them expressing views similar to those of the Northern Circuit Committee as to forwarding communications to that journal.

The managing committee then resolved that minutes of its proceedings should be sent to the *Law Times*.

Communications were read from provincial members of the committee, and from the Hull Law Society, upon the evils of the existing bankruptcy system.

The correspondence between the committee and the Commissioners for inquiring into the present arrangements for transacting judicial business in England and Wales, respecting a more convenient arrangement of Easter Term, was reported on.

A further communication was ordered to be made to the Incorporated Law Society in reference to the scale of equity costs.

A report of the Liverpool Law Society upon the address of this Association, dated 3rd March, 1857, was received and read.

The draft annual Report was brought up, revised, and referred to a sub-committee.

The tenth annual meeting of this Association was held at the offices, 8, Bedford-row, on Wednesday, the 15th April, 1857. Among the members present during the proceedings were, the Chairman, Mr. W. S. Cookson, and Messrs. T. H. Bower, A. P. Bower, E. Bromley, H. Lake, F. H. Janson, E. Benham, T. H. Devonshire, J. A. Rose, T. Kennedy, R. A. Parker, and G. L. Patteson, London; Mr. J. Hope Shaw, Leeds; Mr. H. H. Statham, Liverpool; Messrs. G. Thorley, T. Sudlow, S. Fletcher, and W. H. Partington, Manchester; Messrs. A. Ryland, J. Powell, and H. Hawkes, Birmingham; Messrs. J. Case and J. Monckton, Maidstone; Mr. A. Hart, Dorking; Mr. J. Summerscales, Oldham.

The Secretary read the Report and the annual balance-sheet, when, after some discussion upon several of the matters mentioned in the Report, the following resolutions were adopted:—

1. Resolved, on the motion of the CHAIRMAN, that the Report be referred back to the Committee to be revised by them, and that it be then printed and circulated in the usual way.

2. Resolved, on the motion of Mr. HART, seconded by Mr. FLETCHER, that the cordial thanks of the Association be presented to the Committee of Management for their labours during the past year.

3. Resolved, on the motion of Mr. ROSE, seconded by Mr. A. P. BOWER, that the following members of the Association be elected members of the Committee of Management for the ensuing year:—

CHAIRMAN.

Mr. W. S. Cookson.

DEPUTY-CHAIRMEN.

Mr. J. Beaumont.

Mr. A. Ryland.

METROPOLITAN SOLICITORS.

Mr. J. Anderton.
" Richard Baynes Armstrong.
" E. S. Bailey.
" Keith Burres.
" James Beaumont.
" William Bell.
" E. Benham.
" George Bower.
" T. Holme Bower.
" J. Bridges.
" James Burchell.
" E. F. Burton.
" Henry C. Chilton.
" J. M. Clabon.

Mr. W. S. Cookson.
" F. N. Devey.
" Charles Druce.
" E. W. Field.
" A. Hemeley.
" Henry Karalake.
" T. Kennedy.
" H. Lake.
" Edward Lawrance.
" C. J. Palmer.
" W. H. Palmer.
" J. J. J. Sudlow.
" W. H. Trinder.
" John Young.

PROVINCIAL SOLICITORS.

Mr. T. F. Champney (Beverley).
" C. M. Ingleby (Birmingham).
" Arthur Ryland.
" S. Clarke (Brighton).
" W. Kennett.
" H. Verrall.
" W. J. Williams.
" H. S. Washbrough (Bristol).
" J. Greene (Bury St. Edmunds).
" J. Sparke.
" T. Wilkinson (Canterbury).
" H. T. Sankey.
" John Nanson (Carlisle).
" F. Potts (Chester).
" R. Raper (Chichester).

Mr. T. Coombs (Dorchester).
" E. T. Brockman (Folkestone).
" John Burrup (Gloucester).
" F. J. Bodenham (Hereford).
" John Hill (Hull).
" C. H. Phillips.
" J. A. Jackson.
" William Henry Moss.
" J. C. Smith.
" R. Wells.
" George Stamp.
" Thomas Thompson.
" S. B. Jackman (Ipswich).
" John Sharp (Lancaster).
" A. S. Field (Leamington).

Mr. J. Atkinson (Leeds).

" Robert Bay,
" John Bulmer,
" J. Sangster,
" J. H. Shaw,
" T. Avison (Liverpool).
" E. Banner,
" M. D. Lowndes,
" R. A. Payne,
" W. Radcliffe, Liverpool
" Jas. O. Watson,
" E. A. Bromhead (Lincoln).
" J. W. Danby,
" J. Case (Maidstone).
" J. P. Aston, (Manchester).
" J. F. Beever
" J. Crossley,
" S. Hecla,
" James Street
" T. Sudlow,
" G. Thorley,
" William Crighton (Newcastle-upon-Tyne).

Mr. T. Scriven (Northampton).
Sir W. Foster, Bart. (Norwich)
Mr. William Skipper,
" H. B. Campbell (Nottingham).
" E. Enfield,
" W. Hunt,
" W. Minchin (Portsea).
" Joseph Peers (Ruthin).
" E. P. Kelsey (Salisbury).
" J. Webster (Sheffield).
" C. E. Deacon (Southampton).
" J. R. Wilson (Stockton).
" T. Burn, jun. (Sunderland).
" H. S. Stokes (Truro).
" C. Pidcock (Worcester).
" J. Stallard,
" W. Beaumont (Warrington).
" T. Nicks (Warwick).
" T. Waters (Winchester).
" John Lewis (Wrexham).
" Thomas Hodgson (York).
" George Leeman,
" G. H. Seymour "

4. Resolved, on the motion of Mr. SHAW, seconded by Mr. THORLEY, that the best thanks of the Association be presented to Mr. A. P. Bower and to Mr. E. Bromley, for their services as auditors, and that they be requested to accept the same office for the ensuing year.

5. Resolved, on the motion of Mr. CASE, seconded by Mr. SUDLOW, that the best thanks of this meeting be presented to Mr. Cookson, for his able conduct in the chair.

After the meeting, the members dined together at Radley's Hotel, Bridge-street, Blackfriars.

The Report of the Committee will be inserted in this Journal.

JURIDICAL SOCIETY.

This Society will meet on Monday evening next, the Vice-Chancellor Sir John Stuart, in the chair; when a paper will be read by Mr. F. S. Reilly, on "Judicial Oaths." Vice-Chancellor Stuart has accepted the presidency for the ensuing year.

CHANCERY SITTINGS.—LORD CHANCELLOR AND LORDS JUSTICES.

During the remainder of the present Term the Lords Justices will sit with the Lord Chancellor for the purpose of hearing appeals.

REGULÉ GENERALES.

EASTER TERM (April 23).

Indorsement of Notice on Writs on Contract.

It is ordered that plaintiffs suing in contract for £20, or less, may, if they claim costs, indorse on the writ of summons the following notice:—

"Take notice, that if judgment be signed for default of appearance the plaintiff will, without summons, apply to a judge for his costs of suit, unless before such judgment you shall give notice to him, or his attorney, that you intend to oppose such application."

And it is further ordered, that, if the defendant give such notice, the plaintiff shall proceed by summons and order. But if the defendant give no such notice, the plaintiff may produce such indorsement to a judge at chambers for an order for costs, *ex parte*; and if the judge shall sign his name to the indorsement, such signature shall be an order for costs, and the Master may tax them thereon, accordingly. In case of any application for costs without such indorsement, the plaintiff shall not be entitled to more costs than if he had made such indorsement, unless a judge shall otherwise order.

Entry of Satisfaction on Judgments.

Upon a satisfaction piece, duly signed and attested, in accordance with the 80th rule of Hilary Term, 1853, being presented to the Clerk of the Judgments of the Masters in the Court in which the judgment has been signed, he shall file the same, and enter satisfaction in the judgment-book against the entry of the said judgment; and no roll shall be required to be carried in for the purpose of entering satisfaction on a judgment.

Signed, &c.

ATTORNEYS TO BE ADMITTED.

Queen's Bench.

FOR THE LAST DAY OF EASTER TERM, 1857, PURSUANT TO JUDGES' ORDERS.

Clerk's Name and Residence.

Bellot, William Cuthbert, Oldham.
Carter, Robert, 2, Belgrave-street, Belgrave-square; and Northwold

To whom Articled, Assigned, &c.

H. W. Lither, Oldham.
W. B. S. Rackham, Lincoln's-inn-fields; M. B. Lucas, 11, Adam-street, Adelphi.

Clerk's Name and Residence.

Kent, Alfred, St. Paul's-road, Newington; and Cannon-street

Nevill, William Henry, Fountain-lodge, Liscard

Stable, John Wickey, jun., 5, Featherstone-buildings, Holborn; and Austin-friars

Walsh, William Henry, 1, Dartmouth-place, Blackheath; and Manchester

Williams, Robert Wynn, Park-lane, Denbigh

To whom Articles, Assigned, &c.

W. D. Kent, Serjeants'-inn; J. T. Luscombe, Cannon-street

J. B. Lloyd, Liverpool

J. W. Stable, sen., Manchester; C. E. Palmer, Barnstaple; J. N. Malleson, Austin-friars

W. Sale, Manchester

P. Morris, Denbigh

RENEWED NOTICES OF ADMISSION ON THE LAST DAY OF EASTER TERM.

Ashley, George, 44, Regent-square; and Davies-street

Ashwell, Charles, 12, Harpur-street, Red Lion-square

Atkinson, Thomas S., 13, Acton-street, Grays-inn-rd.; Church-st., Southwark; & Manchester

Baker, Robert Ivey, 22, John-st., Islington; Amwell-ter., Penionville; and Wolverhampton

Barritt, Robert, 18, Devonshire-street, Queen's-square; and Bury

Batte, William Dones, 11, Seymour-place, York-street, Walworth; and Bridgnorth

Boxall, Charles, 30, Amwell-street, Clarendon-square

Brown, Owen Francis, 38, Liverpool-street, Argyle-square; and Compton-street East

Cole, Arthur William, 9, Kensington-park-ter. North, Notting-hill; and Sutton, near Hounslow

Drinkwater, Frederick, 5, New Ormond-street, Queen-square; and Hyde

Earle, Horace, 2, Shaftesbury-crescent, Piccadilly

Eaton, George, 10, Cardington-street, Hampstead-road; and Kingston-upon-Hull

Fell, William, 4, Wharton-street, Islington; and Whitehaven

Fisher, Charles Francis, 23, Cecil-street, Strand; Kentnor; and Great Yarmouth

Goldney, Gabriel, jun., 10, Mortimer-terrace, Ventnor; and Rowden-hill, Chippingham

Grogory, Charles, Eym

Harris, Charles Rice, Tredegar

Holt, James John, 31, Dalston-terrace, Dalston; and Carey-street

Howell, David, 13, Princes-ter., Caledonian-road; and Torrano-grove, Kentish-town

Hullett, John, Coleford

Hustler, William Octavius, Halsted

Jenkins, Thomas Moses, 1, North-place, Hampstead-road; and Mornington-place

King, Charles Bayley, Nursery-terrace, Aston Manor, Birmingham

Ledsam, William, 69, Great Russell-street, Bloomsbury

Lee, Frederic Coope, 17, Inverness-road, Hayswater

Liversedge, Henry, Crowle

Love, Joseph Need, 11, Bedford-row; and Faringdon

Mortimer, John, 57, Stanhope-street, Hampstead-road; and Haverfordwest

Norton, Francis, 12, President-street West, Goswell-road

Sera, Peter, 13, Bernard-street, Primrose-hill

Skeet, Robert, 10 King William-street, Charing-cross; and Kingston-upon-Hull

Slam, Thomas Holloway, Holt

Stott, Richard, Chelmsford

Thompson, George, 1, Grove-terrace, East India-road; Robert's-place, Clarence-street; and Grove-house, near York

Waldy, Henry Temple, 52, Albemarle-street, Piccadilly

Weston, Henry, 5, Waverley-place, St. John's-wood

R. Knapp, Woodstock; B. Holloway, Woodstock

Messrs. Clarke, Longton

T. Swainson, Lancaster

C. Corser, Wolverhampton

S. Woodcock, Bury

H. Vickers, Bridgnorth

H. Chase, jun., Reading

J. S. Leakey, Lincoln's-inn-fields

W. Sharpe, Bedford-row

J. Hibbert, Godley

C. Ford, Bloomsbury-square

E. Sidebottom, Kingston-upon-Hull

J. Postlethwaite, Whitehaven

J. G. Fisher, Great Yarmouth

G. Goldney, Chippingham

E. Lambert, John-street, Bedford-row

J. G. H. Owen, Pontypool

B. Hastie, Northampton-square; J. J. Spiller, Lotherbury; R. H. Atkinson, Carey-street

H. Young, Serjeants'-inn; A. Warrand, Basinghall-st.

W. Roberts, jun., Coleford

O. Hustler, Halsted; W. H. Sams, Clare

J. Blakeney, Bedford-row; F. W. Dolman, Jernyn-st.

T. Slaney, Birmingham

C. Ingley, Birmingham

T. French, Eke

T. H. Carnochan, Crowle

G. F. Crowley, Faringdon

T. Gwynne, Haverfordwest

L. Norton, deceased, Jewin-street

W. T. Manning, Gt. George-street

A. Atkinson, jun., Kingston-upon-Hull

J. M. Webb, Holt; G. Wilkinson, Holt

Messrs. Crick, Maldon; F. T. Veley, Chelmsford

L. Thompson, Grove House, near York

Keith Barnes, Spring-gardens

R. Bloxam, New Boswell-court; E. Bloxam, New Boswell-court

RE-ADMISSION ON THE LAST DAY OF EASTER TERM.

Wright, Charles, 27, Essex-street, Strand.

RENEWAL OF CERTIFICATES—MAY 9.

Aldrich, Frederick, 14, Furnival's-inn; Welbeck-street; Old Cavendish-street; and Aldershot

Borradale, Charles, 12, South-sq., Gray's-inn-road; and Upper Tooting

Burdett, Godfrey Sherwood, Misdley; Saffron Walden; Manningtree; and Pontefract

Dickinson, Simpson, Leeds; and Driffield

Farwell, Frank, 10, Devonshire-st., Queen's-sq.; and Lincoln's-inn-fields

Forfar, William Bentinck, Helston

Grange, Richard, 49, Paddington-st.; and Charles-st., Portland-town

Hodges, Edward, 9, Randolph-road, Maida-hill

Hume, John Penry, 15, Alpha-road, Regent's-park

Miller, Willoughby, Aberystwith

Morice, George, Aberystwith

Myers, John, Manchester

Oliver, Geo. Heywood, Barnes; Up. Norwood; Margate; & Twickenham

Rogers, John Robert Fyde, 38, Great Ormond-street, Queen-square

Scott, James William Percival, 2, Southampton-buildings, Whitecross-street Prison; and Queen's Prison

Smith, Edward, 14 Park-road, Upper Holloway

Stoker, John George, Newcastle-upon-Tyne

Correspondence.

DUBLIN.

(From our own Correspondent.)

THE SAVINGS' BANKS QUESTION (Continued from page 383).

A small publication on this question, bearing the name of the Rev. J. B. Hawkins, has appeared opportunely, as it points out, statistically as well as emphatically, the defects in the existing state of the law. Considerable attention appears to have been given to the subject by Mr. Hawkins, and he presents a detailed statement of the history of savings' banks, the expense of carrying them on in various parts of the kingdom, &c.—information highly useful to those who take an interest in the subject. But while the evils of the present system are commented on, the "remedial suggestions" appended to Mr. Hawkins's brochure are not of a nature to add anything to its value; and any one who expects there to find a satisfactory remedy prescribed for an admittedly unhealthy state of things will be considerably disappointed. Not many weeks since (unless I very greatly mistake) an advertisement appeared in several London and provincial journals of a projected "National Savings' Bank Association," with the Rev. J. B. Hawkins announced therein as manager or secretary. In the reverend gentleman's pamphlet, he does not advert to the fact of his having any interest in, or official connection with, the aforesaid association: he merely states, that, after full consideration of the subject, he can "heartily commend" the project to the attention of the public. He believes that it is full of "sound practical benevolence, sure

to yield valuable results, in a minor degree to its depositors, in the highest degree to its shareholders." Whether this speculation will turn out well for its office-bearers and shareholders I do not presume to say. The project is only here noticed because of its claim to be a vast improvement on the existing system, and to be full of "practical benevolence" to the nation at large. Recent experience has shown how ineffectual is the audit of any public company's accounts—how fallacious the idea that good commercial or other names, as patrons or directors, save a company from ultimate insolvency. Depositors in savings' banks are, as a class, mentally and arithmetically unfit to ponder over annual balance sheets, and unable to judge of the financial position of any company. However respectable may be the promoters—however pure their motives—however sound their "monetary basis"—a joint-stock company ought not to be systematically intrusted with the little savings of the poorer classes.

It is generally agreed on by most of those who have studied this question, that savings' banks ought to be under the control of the Government. We have lately seen how in France the populace are actually glad to lend their money to their rulers, at a moderate rate of interest; and it is unnecessary to point out the degree of stability given to the Government by its thus enlisting the working classes as its creditors. Dr. Hancock, Mr. Sikes, and other writers have demonstrated the utility of throwing open the Government funds, as a mode of investment, to all ranks of society, by providing for the purchase and sale of stock in provincial towns. This would be a most important part of any sound scheme for enlarging the operations and increasing the security of savings' banks. The first step that ought to be

taken would be to hold a Government audit of all existing savings' banks, prior to their dissolution. "Trustees" and "managers" should have no place in the new system. A responsible officer should be nominated by the Government in every town; he should daily receive deposits; and for deposits paid to him during office hours the Government should be in every case responsible. Wherever a branch of the Bank of England or Ireland exists in any town, it might prove convenient and economical to invest the local manager with the new office. In towns where other banks alone have branch establishments, a similar arrangement might perhaps be made, with advantage to all parties. When the entire sum to the credit of any depositor amounted to one hundred pounds, Consols to that amount should be purchased, and transferred into his name; and to facilitate these dealings in public securities, every branch of the Bank of England or Ireland ought to be empowered to effect transfers of stock. A minor improvement, but not a trivial one, would be the reduction of the stamp duty payable on powers of attorney, where the amount to be affected is small. A central office in London should have the control of all the provincial offices; and travelling inspectors should ascertain that business is everywhere conducted with regularity, books and accounts properly kept, depositors' books balanced, &c. Such is the rough outline of a plan, which might perchance accomplish much good. Would some active and philanthropic representative take up the subject, and devote himself to a reform in our savings' bank system, he might save all future depositors from loss, and earn the gratitude of all ranks of his countrymen, and more especially that of the millions who daily toil for bread, but have now no secure repository for their hard-earned savings.

LAWYERS IN PARLIAMENT.

The list of lawyers returned to the new Parliament, given in THE SOLICITORS' JOURNAL of last week, is in some particulars incomplete. That list contained the names of Messrs. Cairns, Bowyer, and others, members of the English Bar, as also the name of Mr. Davison, M.P. for Belfast, the only Irish solicitor who has a seat in the House of Commons. The following names were, however, omitted:—

BLAND, LOFTUS. . . .	King's County. . .	Q.C.
BUTT, ISAAC.	Youghall	Q.C.
DEAST, R.	Cork County . . .	Q.C.
DOBBS, CAREY	Carrickfergus . .	Barrister
FITZGERALD, J. D. . .	Ennis.	Q.C. Att.-Gen.
MILLER, STERNE . . .	Armagh	Q.C.
NAPIER, JOSEPH . . .	Dublin University	Q.C.
O'BRIEN, JAMES . . .	Limerick	S.L.
O'CONNELL, D., jun. .	Tralee	Barrister
WALDRON, L.	Tipperary	Barrister
WHITESIDE, JAMES . .	Enniskillen . . .	Q.C.

In addition to the foregoing, several other M.P.'s for Irish counties and boroughs have been called to the bar; but inasmuch as they have not practised, I have not included them. Among these may be mentioned Cogan, W. H. (Kildare), Forster, Sir George (Monaghan), Greer, S. M. (Londonderry), Hatchell, John, jun. (Wexford), McCullagh, W. T. (Yarmouth), and O'Brien, P. (King's County). Mr. I. F. Maguire (Dungarvan), although nominally at the bar, is better known as proprietor and editor of the *Cork Examiner*; and he goes into Parliament as the only representative of Irish journalism, for the connection of Messrs. Napier and Whiteside with the *Daily Express* is hardly of a kind to entitle them to the designation of journalists.

APPOINTMENTS.

Rumours have been flying about as to the supposed retirement of one of our venerable judges. It has also been surmised that a change will shortly take place among the Masters in Chancery. Nothing definite has, however, transpired, and even the oldest judge on the bench, who has lived nearly to his ninetieth year, is sitting daily, vigorous in intellect, and apparently destitute of any intention to make way for younger expectants.

Mr. P. J. Byrne, solicitor, of Dundalk, is appointed clerk of the Crown for the county of Louth, in place of the late Mr. W. Horan.

SAVINGS' BANKS.

To the Editor of THE SOLICITORS' JOURNAL & REPORTER.

SIR,—My attention has been attracted to your Dublin correspondent's article on the Savings' Bank Question, in the last number of THE SOLICITORS' JOURNAL. Having been many years one of the managers of an extensive savings' bank, and

feeling desirous that the system of management should be made as perfect as possible—being also strongly impressed with the opinion that nothing less than perfect and entire Government security for each and every deposit is necessary—I still cannot agree in your correspondent's sweeping condemnation of the present practice; and, I believe, I can show that several of the statements in his article are not correct.

I think it is not correct to say that the moneys deposited are lent to the managers or trustees of each bank, and by them lent to the commissioners for the reduction of the National Debt. It might as truly be said, that, if you, Mr. Editor, were to receive under the will of a friend £1,000, as trustee for that friend's children, to invest the same in the public funds, the money was lent to you; and that, if you employed an agent to make the investment, the money was lent to that agent. It is clear there is neither borrowing nor lending in such a transaction.

On the subject of security, your correspondent states that the entire security from all quarters available to depositors is under £800,000, while the aggregate amount of deposits is over £33,000,000. I have before me the general statement of a savings' bank for the year ending 20th November, 1855, from which it appears that the total amount due to all sorts of its depositors at that date was £233,236 12s. 1d., of which the amount invested with the Commissioners for the reduction of the National Debt, including interest, was £232,740 4s. 11d. Does your correspondent maintain that the depositors above mentioned have not available security for the amount invested with the Commissioners? If he does, the most mild observation that can be applied to such a proposition is, that it is absurd. On the other hand, if he admits that those depositors have available security, it is impossible to reconcile with this admission his statement that the entire security from all quarters available to depositors is under £800,000.

Several cases of loss to depositors in savings' banks by the fraud or negligence of trustees have occurred. It is the duty of Government to prevent such losses, but that is a difficult matter to accomplish. If all management and control be taken from the local trustees, a purely Government establishment must replace the present management at every savings' bank in the United Kingdom, which would be a very bad arrangement. If local trustees are retained, as they must continue to act without payment, their responsibility cannot be reasonably made more extensive. If their responsibility was made to extend individually and collectively to the whole of their property, it would not prevent loss to depositors by fraud or negligence on their part.

It is said reproachfully that deposits increase in prosperous times, and are withdrawn when times are bad. Of course it is so. Is it not the prime object of savings' banks to secure, when times are bad, support from more prosperous times? If depositors are to enjoy the essential advantage of Government security, their money must be lodged in the public funds. A high price of funds coincides with prosperous times, when stock will be bought; a low price, with bad times, when sales will be made. It is not possible to avoid a loss equal to the difference. It may be a question on which party the loss should fall—whether upon the Government, as administering the National Debt, or upon the depositors. It has hitherto been borne by the Government, and this is represented as a "tax paid by a careless nation." It may be so, but if this plan is reversed, and the depositors made to bear the loss, great difficulty will be found in settling such a scheme of accounts as will correctly apportion a share of the loss to each depositor. Moreover, such a deduction would be very likely to produce great repugnance against making deposits. The advantage which savings' banks confer on the working classes are similar to those which the middle classes derive from life insurances. It is impossible to over-estimate the advantages which have actually been enjoyed by the working classes from savings' banks on the present system, imperfect as it may be. If the defects of that system cannot all be removed, it would nevertheless be a very high degree of folly on the part of employers to adopt your correspondent's suggestion, not to encourage those under their influence to make use of savings' banks. The experience of forty years has proved these establishments to be not only the best and safest, but, in truth, the only tolerably safe depository for the small savings of the labourer, of domestic servants, and of the mechanic.

I shall be glad to see the promised schemes of your correspondent for improvement and reform; but I can by no means agree in his denunciation that savings' banks, as now constituted, are a "disgrace to our country."

I am, Sir, your obedient servant,

P.

THE FORTHCOMING REVOLUTION.

To the Editor of THE SOLICITORS' JOURNAL & REPORTER.

SIR,—Reading your last week's impression in a somewhat discursive manner, I happened to commence the observations published under the above title in the middle. I had not read far before I was so struck with the ignorance displayed on many of the points discussed, and the absurdities promulgated, that I at once turned to the commencement to see what tyro of twenty had been accorded by you such liberal space for his crude reflections. To my surprise and dismay, I found that the "thoughts" I had been perusing were those of a "solicitor of thirty years' standing." I cannot, of course, doubt your correspondent's full right to the *status* he claims, but I must take the liberty of saying that his length of years has either left him strangely ignorant of the practical working of the present conveyancing system, or has endowed him with wonderful recklessness of assertion. I have not the time, and you would probably not accord me the space, to expose all the many errors of fact and of judgment with which these "thoughts" abound; but there are two paragraphs which certainly ought not to pass unnoticed. Indeed, I am almost surprised that you should so far have given them your sanction as to have allowed them to appear without note or comment. The first paragraph to which I refer is as follows:—

"In other words, given ordinary Consols at 94, and pass a law tomorrow requiring all stock held by trustees to be dealt with as land and the title to be investigated, and all *cestui que trust* to join in transfer, or be otherwise duly barred, would those trust Consols fetch 73? If not, then seven years' purchase would be struck off the price of all Consols under that category; and then, say the projectors, why should not seven (or other equivalent) number of years' purchase be added to the price of all land, if we throw over the present method, and adopt the stock principle of title and conveyance?"

If I read these sentences aright, they say in effect, that, were the same investigation of title as is now necessary in the case of land, necessary also in the case of stock, the selling value of the stock would be depreciated by seven years' purchase, or about twenty-one per cent. The necessary implication here is, that the present system of conveyancing entails the specified amount of depreciation. Now, sir, your correspondent gives us no facts and no reasons for attributing such an effect to the existing system; and I am at a loss to imagine how any one calling himself a solicitor can have conceived, and can gravely propound to the profession, so monstrous an idea.

Let us see in what way, and to what extent, the present system operates to depreciate the selling value of land, and consequently in what way, and to what extent, the destruction of that system would enhance that value.

The only two points in the present system of conveyancing which I find noticed by the conveyancing commissioners, or which occur to my own mind, as depreciating the value of land, are—1st, the time occupied and delays incurred in effecting a transfer; and 2ndly, the legal expenses attending the transfer.

Now, with regard to the first of these alleged causes, I apprehend that it is entirely a mistake to imagine that it has any appreciable effect on the price at which land is bought and sold. Land is not an article that, for its enjoyment, requires to be handed over bodily to the purchaser at a moment's notice—from its very nature this is impossible. There is always, besides the owner, an occupier whose interests have to be regarded, and in consequence purchases are almost invariably completed and possession given on certain quarterly and half-yearly days concurring with the state of the tenancy. When a man buys land, his own and the vendor's convenience makes them agree on one of these days for the final settlement, and the intermediate time is generally ample to complete the legal part of the business. Even if the matter cannot be quite settled by the time appointed, no loss occurs, as the agreement, or, in default, the general principle of equity, makes provision for the case. A purchaser of land regulates the price he will give by the rate of interest he wishes to obtain, and not by the few days or weeks, more or less, that may elapse before he can fully complete his purchase. To act otherwise would be as absurd as to give more money for a ready-made coat because you can have it at a minute's notice, than for one duly bespoke, which your tailor will require a week to produce. In short, were land made transferable to-morrow by the old plan of handing over a clod or twig, without other formality, I conceive that no purchaser, on the mere ground of the celerity of the transaction, would add one farthing to his intended purchase-money. I have dwelt thus much on this point of *time*, not only because I imagine it to be one of the notions operating on the mind of your correspondent, but because the Commissioners, in their report, frequently talk of *delay* in connection with expense. I observe, however, that

when, in their eighty-ninth paragraph, they speak of the saving to be effected by their scheme, they are sensible enough not to put down anything as gained on this head. There then only remains the expense occasioned by the present system—that is, solicitors' and counsels' fees. To support the statements of the "Solicitor of thirty years' standing," these fees must amount to seven years' purchase, or twenty-one per cent. on the value of the property. I hope, sir, for the sake of the profession, that your paper is not read by the laity; clients are not over-patient under the infliction of our bills as they actually exist; but I tremble for the consequences when they are given to understand by one of ourselves, a gentleman of thirty years' experience, that they are regularly mulcted of twenty-one per cent. on the value of their property whenever they buy or sell. However, as possibly some trembling landowner may have caught sight of the above frightful suggestion (your professional readers will see its absurdity at once), I would state that the experience of many years in the management of large conveyancing businesses convinces me that the strictly legal expenses on the transfer of land do not, on the average of transactions, great and small, exceed four per cent. on the value, or about one year's purchase. In this calculation I include the expenses both of vendor and purchaser. Further, in answer to the proposition put by your correspondent in the paragraph above quoted as to the Consols, I say that the stock in question, instead of 73, would realise at least 90. The second paragraph to which I have alluded is this:—

"This scheme, truly great for good or for mischief, is therefore entirely the production of solicitors, and has entirely had its rise in considerations peculiarly emanating from the custody of the client's purse and pecuniary interests. The scheme at present is not of compulsory application. If it prove bad on trial, it will die a death of transition. If put on compulsorily, it will either play the devil with the landowners, or it will certainly raise the marketable value of every landed estate five or six, or possibly eight or ten years' purchase; and whichever it does, the solicitors who devised it must have the blame or praise."

Your correspondent has here outdone even himself. We have now got from a loss of seven years' purchase, to one of ten. Had the writer continued his reflections we should probably have learnt that the entire value of landed estates is consumed in costs on each transfer. As it is, we are coolly told that the present system depreciates land by perhaps ten years' purchase, which, as I have shown, must be entirely owing to the lawyers' fees. Truly, in the elegant language of your correspondent, how we must "play the devil with the landowners!"

The "Solicitor of thirty years' standing" appears to have no fear of insulting the common sense, or of ignoring the practical knowledge, of your readers. I am not so bold, and I, therefore, refrain from further exposing the egregious exaggerations contained in the last quoted paragraph. I am, Sir, your's, &c.,
A CONVEYANCING CLERK.

To the Editor of THE SOLICITORS' JOURNAL & REPORTER.

SIR,—The question of professional remuneration, as raised by the Report of the Registration Commissioners, is a very important one. From the terms in which lawyers' bills for conveyancing are spoken of in that Report, uninformed persons would suppose that they were the *sole cause* of what is called "the decay in the value of lands." Let us see, however, whether this be so or not. Suppose the case of a large landed estate offered for sale, as is usual, by auction. The solicitors for the parties, in conjunction with the auctioneer, prepare the particulars of sale, and this, with the actual attendance of the auctioneer at the sale to offer the property to the assembled bidders, is, so far as I know, all that the said auctioneer does. For this he is rewarded by a per-centage on the amount for which the estate is sold. We will suppose the estate to be sold for £32,000; the commission on this would be as follows:—

At 1 per cent. on first	£15,000	..	£150	0	0
" ½ ditto on	17,000	..	85	0	0
	£32,000	..	£235	0	0
Timber on the property valued at					
£1,511 10s., at 5 per cent.		..	75	11	6
Total		..	£310	11	6

These figures are taken from an actual bill of one of the great London firms, and are quite *exclusive* of cash paid for advertisements and journeys, &c. It is well known, also, that supposing the auction should not take place, but the estate be sold by private contract, the same commission must be paid; the ground for demanding it being stated to be the *custom of the trade*. Now, I would ask, what services has the auctioneer performed, that he should be so very largely remunerated?

Turn we now to the solicitors concerned for the parties. They have to investigate, perhaps, a very complicated title, and perform other very arduous and responsible services, extending, perhaps, for several months. And yet I venture to affirm that the bill of costs of the purchaser's solicitor, which in all probability would be the largest, would not in such a case, including all payments, be more than from £150 to £200; and this is to be taxed, reduced, and grudgingly paid after all, while not a word is ever said of the enormous charges made by the auctioneer; and if we compare the time given, the trouble taken, and the anxiety endured by the one and the other, we shall find that the solicitor's is tenfold that of the auctioneer. This is no fanciful picture. If the principle is to be (as it ought to be), that every man be paid fairly for what he does, we should find that the auctioneer, who gives, we may say, a few days, or even a week, to the business, would only be paid a tenth part of his present demand, and what remains would, in most cases, more than pay the solicitor's bill, including every payment out of pocket.

I need not say anything as to taxation of bills, further than to express my surprise that any such system (which is absurd in the last degree) should be persevered in. Mr. Williams, in the paragraph you quoted in your last week's paper, has given it some hard knocks; but I much doubt whether his sarcasms will prevail upon the present preposterous system of legal tariffs and taxation. I remain, sir, your obedient servant,

April 21, 1857.

Lkx.

Review.

Roman Law and Legal Education. By H. J. MAINE, LL.D., late Queen's Professor of Civil Law in the University of Cambridge. Cambridge Essays for 1856: J. W. Parker & Son.

Mr. Maine, late Professor of Civil Law at Cambridge, and now reader on the same subject at the Inns of Court, published a paper in the last number of the Cambridge Essays, which must be deeply interesting to all persons who wish to see the legal education of the country placed upon a proper footing. The excellence of the style of the paper, and the familiarity with the subject which it displays, are what might have been expected from the well-known talents of the author, and can surprise no one who is acquainted with the powers which have enabled him to obtain, for a subject somewhat remote from the ordinary course of professional business, and having the reputation at least of considerable dryness and difficulty, a degree of popularity amongst the present generation of law students fully equal to that which has rewarded the exertions of the gentlemen who lecture upon more familiar and more interesting branches of the science. Strongly recommending such of our readers as take an interest in the subject to refer to the Essay itself, we will proceed to lay before them some account of the topics which it handles.

The first reason which Mr. Maine alleges for the opinion that Roman law ought to form an important branch in the education of English lawyers, is the fact that it largely enters into and deeply colours very many departments of knowledge with which its connection is not immediately apparent. Roman law is not like our own, a vast congeries of text-books, statutes, and precedents. "It may, for practical purposes, though inadequately, be described by saying that it consists of principles and of express written rules." The business, therefore, of the Roman juriconsults was confined to ascertaining what were the logical results of a certain set of verbal propositions, and this gave them an unrivalled excellence in an art of which English lawyers are by daily necessity made to feel their own ignorance—the art of interpreting written documents. This art, it is obvious, was capable of a very wide application; and as Roman law was widely adopted on the continent of Europe, its principles of interpretation affected very deeply the character of every branch of intellectual inquiry in which language was used, or in which an attempt was made to use it, with anything like controversial accuracy; much in the same way as our own rules of evidence have exercised a strong influence over all departments of knowledge which turn in any measure upon ascertaining disputed facts. In the case of Roman law these results were peculiarly apparent in its relation to moral philosophy. With the exception of the school of the Casuists, whose views of morality were almost exclusively based upon the theology of the Roman Catholic Church, all continental moral philosophers, from the time of the Reformation to

the rise of Kant's philosophy, in the latter part of the last century, could trace their intellectual descent to the great book of Grotius *de Jure Belli et Pacis*. The primary and avowed object of this book "is an attempt to determine the law of nature," of which the Roman juriconsults were either the inventors or the discoverers. Hence, "the system of Grotius is implicated with Roman law at its very foundation;" and from this it follows, that, without a competent knowledge of that system it is impossible to understand the views of writers who have had a large share in moulding the existing opinions upon this most important subject.

Another great advantage of the study of Roman law is the command which it confers upon the student of a scientific, technical phraseology. Whatever may have been the advantage of the great law reforms of the last twenty-five years, they have altogether destroyed whatever symmetry our technical language may have once possessed. It is no longer possible for any one to obtain a scientific knowledge of (for example) our system of real property law. Indeed, it no longer forms a system at all, though it still retains the old technical language, as Mr. Maine observes, "in a state of disintegration." The evils of such a state of things are patent, and notorious to every lawyer. To say nothing of the impediments which it throws in the way of all attempts to draw Acts of Parliament with accuracy, it is the one great cause of the enormous prolixity by which our reports of cases are discreditably distinguished from those of other civilised countries. To such evils it would, as Mr. Maine observes, be impertinent to attempt to apply any single remedy; but he considers, that, by extending the study of legal expression by the help of the Roman law, an almost indefinite advantage might accrue to the precision and expressiveness of our own legal phraseology. Such a course would, moreover, be attended with the collateral advantage, that it would enable English and Continental writers on many subjects, moral and political, to understand each other far better than they can at present. The language of Roman law pervades the whole range of our thoughts. "Obligation," "Convention," "Contract," "Consent," "Possession," and "Prescription," are words which in that system have a strict technical value. With us their meaning is loose and popular; and the consequence is, that English and continental writers and diplomatists are often at cross-purposes with each other; our countrymen using in an indefinite sense words to which foreigners attach a precise legal import. We may illustrate the inconvenience of this state of things by a fact which occurred within our own observation. A solicitor told his client that a security which formed the basis of an intended marriage settlement was only "equitable"—the client understood him to mean that it—the sum so secured—would constitute a mere debt of honour.

Another circumstance to which much of the educational value of Roman law is due is the fact, that, from the course of events, it is, in Mr. Maine's phrase, "fast becoming the *lingua franca* of jurisprudence." The Code Napoleon is little more than "a compendium of the rules of Roman law practised in France before the Revolution, and cleared of all feudal admixture." Indifferent as the great body of the public always are to the subject of law reform, the Code Napoleon has taken a strong hold upon the popular favour of countries the political constitutions of which differ very widely from each other and from that of France. It prevails in Austria, in Holland, in Rhenish Prussia, and in Southern Italy; and it is well worthy of remark, that the most popular of the various legal systems which exist in the different parts of the United States is the Code of Louisiana, which Mr. Maine describes as being, "of all the republications of Roman law, the clearest, the fullest, the most philosophical, and the best adapted to the exigencies of modern society."

Another reason for studying the Roman law is its connection with the question of the possibility of codifying the laws of England. Mr. Maine points out that the word codification has two meanings—that of reducing an unwritten system of law to writing, and that of reducing written law to a convenient shape. As to the first operation it has been already performed in this country. There is no legal proposition whatever which is not to be found somewhere or other, either in the Reports, the Statute Books, or the works of text writers of more or less authority. The only open question, therefore, on the project is, whether we have the means of reducing these writings into a concise and convenient form. Mr. Maine's opinion upon the subject seems to be, that, though there are great difficulties in the way of such an undertaking—difficulties arising principally from the absence of a proper technical language—we may hope ultimately to accomplish it, and that the first great step towards that achievement would be an extended acquaintance with "that wonderful

terminology, which is, as it were, the short-hand of jurisprudence."

Mr. Maine, it need not be said, thinks very highly of the general character of the system, to the incidental advantages of which he refers so warmly. He points out, that, during some five or six centuries, the study of Roman law was almost the only profession which afforded any real opportunities for the exercise of the highest intellectual powers. During the decline of the Roman Empire, there was little study of natural science, little taste for art, and no opportunities for free political action. When, therefore, a man of capacity had to choose his profession, he had only four courses open to him. If he did not become a teacher of rhetoric, a commander of frontier posts, or a professional writer of panegyrics, the practice of the law was his only resource. Law, therefore, drew to itself an enormous proportion of the available power of the time, and, to conclude our notice with the eloquent words with which Mr. Maine concludes his paper, "unless we are prepared to believe that for five or six centuries the world's collective intellect was smitten with a paralysis which never visited it before or since, we are driven to admit that the Roman jurisprudence may be all which its least cautious encomiasts have ventured to pronounce it, and that the language of conventional panegyric may, for once, fall short of the unvarnished truth."

Curiosities of Local Courts.

There is no rose without a thorn—says the proverb—and, as in most popular metaphors, the wisdom concealed under the figure is wide in its application. Certainly the district county court—the fairest blossom on the tree of legal reform which has budded in our day—forms no exception to its universality. No doubt law, under its influence, has become cheaper; and justice, in a vast majority of cases, is more speedily and effectually obtained. The new system has been a lion in the path of the fraudulent debtor, and the guardian angel of many an honest creditor, who would have gone to the wall while *latitans* flourished and "bills of Middlesex" were in fashion, and who would have shrunk from embarking in an action in the superior courts even under the simpler procedure of the present day. But these advantages have not been secured without drawbacks. One of these—perhaps the chief—is not, however, a necessary part of the system, but an accidental error in its conception. Where sixty men appointed to judge both law and facts ply their vocation,—each separated more or less from his fellows,—all in a great degree from the bulk of the profession, many well-stricken in years, none of the highest order of forensic talent, most living remote from Westminster Hall, and (whether they will or no) playing the tyrant in a little legal kingdom—what, we ask, must be the consequence? It does not require any great amount of sagacity to reply that mistakes will be made; that law will be forgotten or disregarded; that conflicting decisions will be given; and, in a word, that justice will, in many instances, miscarry. But all or most of these dangers might, we think, be met by some such expedient as frequently changing the district of each judge, or, better still, by holding out to the judges the prospect of future promotion as an inducement to present excellence. A *shelved* man, removed from the pressure of public criticism, never can, and will seldom try to, keep up to the mark. The library of a county court judge usually dates from the year of his appointment. He will never buy more recent books without a very sufficient stimulus; and, indeed, the public may think themselves lucky if he does not dispose of his old ones.

But there is a blot in the system which does not, we fear, admit of an effectual remedy. Under the former state of things, any deformity in law or practice, if it were of a hurtful nature, was pretty sure, sooner or later, to be righted. It speedily became ventilated in Westminster Hall. It became talked of in and out of the profession; and, rising to the surface, was soon worked off under the energy of the Commission or the grievance-monger of the day. But in the county courts, complicated questions of law and crudities of practice are continually emerging, and are quietly disposed of in some out-of-the-way country town, without a single soul being the wiser or the better for the investigation, beyond the immediate parties to the quarrel. There is no tie binding these numerous local tribunals to each other; and none, of any avail, which connects them with their common superior. There is not even any vehicle by which the Profession can taste the *delicia* of their practice; though questions involving nice distinctions of law and the very principles

of our jurisprudence are continually being dealt with by them in some fashion or other. It is to palliate if not to remedy this evil, that we now invite our country correspondents and subscribers to favour us with reports of any interesting points which may arise in their neighbourhood, or come under their cognisance. Some such means seem necessary to let law-reformers know those blots in our system which are found to be *practically* inconvenient or injurious, or (again to resort to a proverb) to enable them to see with precision "where the shoe pinches."

It was only the other day that a case came to our own knowledge involving a point of considerable interest in the law of evidence; and which we give as an example of the kind of information we desire from our readers. A certain Mr. Philp was sued at the last county court held at Uxbridge, before Mr. Koe, Q.C., by a Mr. Mallings; and the subject of the claim was a legacy under the will of one Elizabeth Philp. It appeared from the opening of Mr. F. Lawrence (instructed by Mr. Batt, of Uxbridge), who represented the plaintiff—that the defendant (who had been named executor of the will, but had not proved it) had assets in his hands available towards the payment of the legacy, such assets consisting of a sum of money invested in the funds by the testatrix, in her own name together with that of the defendant; and to the legal property in which he succeeded on her death by survivorship, but in which the legatees of the will claimed a beneficial interest. As a foundation for the claim of his client, Mr. Lawrence attempted to put in the *original* of the will, which was in court, properly attested; but he was stopped by Mr. James Stephen and Mr. C. R. Griffiths (instructed by Mr. Bird), who urged on behalf of the defendant that the only legal evidence of the instrument on which the claim was founded was the *probate*, and not the will itself. To this objection Mr. Koe was obliged to yield, and nonsuited the plaintiff. But it is evident, that, by the rejection of the will (provided of course the equitable right to the fund in question was as alleged in the plaintiff, and that the defendant was otherwise liable as executor), a great failure in justice has arisen; for even should the plaintiff betake himself to the expensive proceeding of administering with the will annexed, he would still be unable to make such fund available through the medium of the county court; it being only as against a personal representative, and by virtue of 9 & 10 Vict. c. 95, s. 65, that the county court judge has any equitable jurisdiction; and hence the plaintiff would have to resort to proceedings in Chancery, to reduce his equitable claim on the fund into assets to the use of the will. But in a case like this, where would be the difficulty of entrusting the ancient jurisdiction of the common law county courts over probate of wills, to their statutory successors? A will properly attested, and the authenticity of which is undisputed, might be proved (at all events, for the purposes of the claim before the court) as effectually and far more rapidly in the lay tribunal than in the Commons; and the monstrous abuse would be avoided of rejecting an original document in order to receive a copy of the same instrument. Mr. Collier's Testamentary Bill of last year contained, it may be remembered, provisions by which the duty of proving undisputed wills was thrown on the county courts; and the case we have mentioned indicates some incidental advantages which would arise from the change.

Be this as it may, however, we think the free discussion of such questions as these would be useful; but they must be circulated among the Profession when they emerge in the course of practice. We know of no better medium than the columns of THE SOLICITORS' JOURNAL, and they will always be open for this purpose.

Parliamentary Practice on Private Bills.

(Continued from p. 388.)

The plan being put into the hands of the solicitor, the next step is the preparation of the book of reference. The standing order, there being only one affecting the reference, is simple and comprehensive, and [H. C. 47] provides that the book of reference shall contain the names of all the owners or *reputed* owners, lessees or *reputed* lessees, and occupiers of all lands and houses in the line of the proposed works, or within the limits of deviation as defined upon the plan, and shall describe such lands and houses respectively. The words *reputed owners* and *reputed lessees* will bear as large a construction as possible, provided that no carelessness or laxity is proved against the promoters of a bill in the preparation of the book of references.

From time to time, printed directions have been published for the preparation of the book of reference, many of which are posi-

tively absurd and impracticable, and bear evidence of having been written by some one who never took a reference in his life. One of the most popular of these directions recommends that the reference-takers should be on the ground at seven o'clock in the morning, and work till dark; that a light breakfast should be taken previously to starting, and a light dinner on the return; and that the evening should be devoted to writing letters and drafting the evidence. Now the requisites of a reference-taker are, that he should be active, have some knowledge of law, at any rate sufficient to be familiar with the tenures of real estate, so as to be able to decide on the proper parties to be put down as owners or reputed owners, and also be able to bear a good deal of bodily fatigue; independently of this, he should be a man of tact and address; in fact, a first-class clerk should have charge of the work. Supposing that thirty or forty miles of ground have to be got over, it is better to divide the work into portions, putting a separate staff on each portion of ten or twelve miles, if the work is heavy. The best number of clerks to send into the country is three to each district. This number allows two to be working on the ground, and one to be engaged in seeing outlying landowners. Any regulations about hours are useless. If the London solicitor does not employ a local agent, (which is generally done), but sends his own staff to take a reference, he must send clerks on whom he can depend, and leave the time and mode of doing the work to them. It is quite impossible to judge of the amount of work done by the time occupied over it. Sometimes in the open country even—in an orchard district for instance—it will be hard work to get through a mile a day, and sometimes four or five miles a day can be completed.

As a general rule, every occupier should be seen without exception, or an inquiry made at his house, as a mistake in occupation can hardly arise otherwise than through carelessness. Every lessee and owner should be seen also if possible; in fact, subject to the exercise of a little discretion, all owners, lessees, as well as occupiers should be seen, if they reside anywhere within a reasonable distance. Where a large property is intersected by a railway or other work, the assistance of the steward or agent should always be asked, and an offer should be made by the engineer to go over the line, and explain it to the proprietor if desired. The refusal to give information by landowners is the next best thing to having the reference accurate, as, to a great extent, it takes the sting out of an opposition on standing orders.

The reference-takers should have a draft-book, with columns for the description of the property, and the names of the owners, lessees, and occupiers, and a page for observations and remarks; and in every case the name and address of all parties from whom information is obtained should be put down. In towns, the best person to take on the ground, as a guide, is the tax-collector or receiver of rents; and in the country, the parish clerk, or some labourer who has worked many years for the different farmers.

The names of the overseers of the different parishes must be collected, as well as the names and addresses of parish clerks, surveyors of highways, trustees of turnpike roads, churchwardens, and similar public officers; and particular inquiries must be made as to the proper party to be served with notices in respect of parish or common land.

The parish boundary is another point for which the solicitor is responsible; and evidence must be collected in order to ascertain whether the boundary laid down on the plan is accurately described. Another point to which attention should be directed is the nature of the roads, whether they are public, or turnpike, or parish roads, or roads belonging to the owners of estates in the neighbourhood. It frequently happens that evidence is very conflicting on these points; and it is absolutely necessary to exhaust all information which is available. The proprietor of a large estate is very jealous of the privacy of a road over which he retains a power of closing, although the public are allowed to use it; and he might take a very hostile position against a company solely on account of a misdescription. The consequences of describing a private road as a public road would be, that it would appear as such in the book of reference, and cross-sections would be given of it in the sections. When there is a dispute about a road, the best course is to describe it both ways, and do all things necessary for taking either a public or private road. This can be done by describing the road in the book of reference as a "public road, or a private road used as a public road." The owner who claims the road must be put down in the book of reference, and the surveyor of highways also; by so doing, the book of reference will bear on the face of it a record that all inquiries were made.

The description of property in the book of reference must be clear and concise, and there must be a separate number for each property; for instance, if five cottages stand in a block, there must be five numbers, one for each. Property belonging to one owner within the same fence may be marked with one number, such as "house, outbuildings, and garden."

In roads or passages common to several tenants, all who have the right of user must be put down as occupiers. The owners of the property through which the road passes must be inserted as owners.

In common land, the lord of the manor is put down as owner, and the occupiers are described as commoners tenants of the Manor of Blackacre, and John Smith, "Common Reve," or by whatever name the man who looks after the common in that parish is described. When trustees are owners, and have an appointed clerk, the owners are described as "the trustees of the turnpike road leading from London to Dover—Thomas Brown, Clerk." When trustees, who have no clerk, are owners, they should be named where their property first occurs "The trustees of the Wesleyan Methodist Chapel—viz. Thomas Brown, Henry Smith;" afterwards they may be described without their names appearing again. It is for convenience, more than from necessity, that the names are once set out in full, as will appear presently in treating of the service of the parliamentary notices.

These specimens are given just to indicate the amount of care which should be given to the work, so as to make it perfect at the time. The entering into small details, provided the book of reference is not incumbered with them, is always advisable, as it shows that the work will bear sifting, and that the clerks have inquired into the particulars of the property.

The engineer's attention should be drawn to any inaccuracy on the plan, as it sometimes happens that fences may have been erected or removed since the survey was made, or houses pulled down for any town improvement or other purpose of a similar nature. It is always well to have all points which require clearing up in London communicated from time to time by letter. If this system is rigidly observed, a list of queries is compiled in London, and nothing escapes observation at the last moment. The fair copy of the evidence for the printer or lithographer should always be examined by the clerk who took it against his own draft, so that from first to last the responsibility will lie on the shoulders of one man, who will be able, if required, to give an account of the collection and preparation of the whole of it.

The only other matter which suggests itself here is the address-book. It is absolutely necessary that the addresses of all the owners, lessees, and occupiers, and (if absent from the United Kingdom), the names and addresses of their agents, should be carefully collected at the time of taking the reference.

Before the reference and the plans are lithographed, they must be examined carefully together with the engineer, to see that no property is omitted.

Although the parliamentary notices which are published in the "Gazette" and newspapers are obliged to be inserted previously to the time at which the landowners' notices are drawn, it may be more convenient to consider the preparation of those notices here, as they are immediately dependent on the book of reference.

There is considerable difference in the form of notices to landowners in first and second-class bills. The form of notice required for second-class bills is set forth in the Appendix A. to the Standing Orders of the House of Commons. As the forms of all these documents will be given at a future time, it is only necessary to state here that there are two schedules, or rather a schedule with two sheets to that form of notice.

It was stated, as regards the book of reference, that limits of deviation are marked on the plan, and that all owners, lessees, and occupiers of property within those limits must be included in the book of reference. In the upper sheet of the schedule to the notice all property within eleven yards, or thereabouts, of the proposed work must be placed; and if the property is touched by the centre line of the proposed work, the mode in which the property will be dealt with must be stated. In the lower sheet of the schedule the names of the owners, lessees, and occupiers, and description of the property only is inserted. Perhaps the shortest way will be to refer the reader to the schedule set out in Appendix A. to the Standing Order, in illustration of the practice.

The information in the last column of the upper sheet is arrived at as follows:—The book of reference is sent to the engineer, who marks the sectional reference against

each number as the case may be; thus—47, "Within 11 yards;" 48, "Off;" 49, "11 feet cutting," "12 embankment;" 50, "Level." This enables the clerks to draft out the notice to the landowners. The best plan is to have the reference-book divided into parishes, and give out one parish to each clerk, and have a separate notice prepared for property in each parish, even supposing that the same party is owner, lessee, or occupier in several parishes. The clerk then takes the first owner of the property—No. 1. John Smith—and goes through the whole of the reference of that parish, and strikes out John Smith's name wherever it occurs. If the property is within eleven yards, and is intersected by the centre line, the description and other particulars must be set out in the top sheet, and will appear thus:—

No. on Plan.		Description of Property.	
72.		House and Garden.	
Owner.	Lessee.	Occupier.	
John Smith.	Thos. Brown.	Michael Smith.	
Embankment.	Cutting.		
6 feet 8 in.	12 feet 9 in.		

If John Smith is owner of property which is not intersected by the centre line, but which is within eleven yards, there will be no description of the embankments and cuttings; if his property is intersected by the centre line, and there are not any embankments or cuttings contemplated, the word "level" is written in the last column. If John Smith's property is not within eleven yards, or thereabouts, of the centre line, and the word "off" is written against his name in the sectional reference, the description of his property will appear in the lower sheet.

After John Smith's notice has been drawn in respect of property in any particular parish, the next owner is taken, and the owners being exhausted, the lessees' notices are drawn in the same manner; and after them, the occupiers'. When an owner is also lessee or occupier of any property in the same parish, the description of the whole property is included in one notice. When the notices are all drawn, the clerk who took the reference should examine them all, and strike the names out again, so that there may be a double check to insure accuracy. The notices are then copied for service, and the draft is retained as a duplicate notice, examined against the index to the book of reference and numbered. The index to the book of reference and notices is thus prepared—It should be arranged ALPHABETICALLY, and contain seven columns for the following particulars:—No. of notice—Names—O.—L.—O. (for owner, lessee, or occupier)—Residence—Parish; and it will read thus—

No.	Name.	O.	L.	O.	Residence.	Parish.
1.	Ames, Robert	O.			Deptford, Kent.	Greenwich.
2.	Ames, Robert		L.		Ditto	Dartford.

Thus by a glance at the index it will be seen how many parishes Robert Ames has property in, and the number of his notice, and whether he is owner, lessee, or occupier; and if the draft notices are once arranged numerically, and also alphabetically, and if the book is numbered from 1 to 1,000, beginning with A., any notice can be taken out at once. These details may seem tedious; but in practice, unless these matters are carefully attended to at the time that the notices are drawn and prepared, and the particulars of the reference are fresh in the memories of those who collected it, endless confusion will occur in the event of an opposition on standing orders; these notices need not be served until after the deposit of the plans, and other matters which must be first attended to; the service of them will be treated of in its proper place.

As regards notices to landowners in respect of first-class bills where property is to be taken, the practice is to assimilate them as nearly as possible to the form prescribed for second-class notices. The main difference between notices for first and second class bills is, that there is only one schedule to the former, and, there being no section requisite, the land only required to be taken, and the name of the owner, lessee, and occupier, need be described, without entering into any detail as to the mode in which the land will be dealt with. There is one thing to be observed in drawing landowners' notices—viz. where there is more than one owner, lessee, or occupier to a property, it is not necessary to set them all out in the notice; for if John Smith is joint owner with the others, it would be sufficient in the list of owners in his notice to say—Owners: Yourself and others; Lessees: Thomas Brown and others. When there is more than one lessee this saves much trouble.

The notices must be served on or before the 15th of December immediately preceding the application for the bill

[H. C. 20 & 21], either by delivering the same personally to each owner, lessee, or occupier, or by leaving the same at his usual or last-named place of abode; or, in his absence from the United Kingdom, with his agent; or by forwarding the same by post, on or before the 12th day of December, with a sufficient address, in a registered letter.

Court Papers.

Queen's Bench.

NEW CASES—EASTER TERM, 1857.
SPECIAL PAPER.

Dem.	Beavan v. The Mayor, &c., of Manchester.
"	Warden v. Stone.
Co. Ct. App.	Trevelyan, Exceutrix, v. Richards.
Sp. Case.	Turner v. Schmalz.
Dem.	Harding v. Nott, Clerk.
Dem.	Harris & Others, Assignees, &c., v. The Patent Solid Sewage Manure Company.
Sp. Case.	Saunders, Clerk, v. Howes & Another.
Dem.	Lord Stamford v. Howard.
Sp. Case.	Hicks v. Shield & Another.
Dem.	Tighe v. Cooper.
Co. Ct. App.	Gething v. Morgan.
Dem.	Smith v. Haworth.
"	Gallard v. Blackie.
"	Kenrick v. Horder.

NEW TRIAL PAPER.

Middlesex.	Parker v. Shadwell.
"	Woodcock v. Toulmin & Another.
London.	De la Rue v. Dickinson.
"	Ridgway v. O'Connor.
"	Phillips v. Gibbins.
"	Chollett v. Hopner.
"	Kenrick v. Horder.
"	Schuster & Others v. McKellar & Another.
"	Beckett v. Willatts & Others.
"	Birch, Bart. v. Jury.
"	Hartley v. Ponsonby.
"	Summers v. Solomon.
Northumberland.	Parker v. Winlo.
"	Stokoe & Another v. Singers.
"	Heald v. Pickersgill.
York.	Sharpe & Another v. Waterhouse & Another.
"	Dixon v. Holroyd.
"	The North-Eastern Railway Company v. North.
"	Holdsworth v. Morley.
Liverpool.	Charles v. The National Guardian Assurance Society.
"	Warden v. Stone.
"	Mavrogordato v. Hindson.
Essex.	Wigfield v. Shield.
Sussex.	Stedman v. Smith.
Stafford.	Baggaley v. Davy.
Gloucester.	Roux v. Cardinal Wiseman.
"	Facker v. Winterbotham.
Pembroke.	Mathias v. Evans.

CROWN PAPER.

Wednesday, April 23.

Essex.	The Queen v. The Rev. C. Eyre, clerk.
Kent.	The Queen on the prosecution of Henry Grey & Another, Master and Warden of the Watermen's Company, Respondents, v. William Giles, Appellant.

Common Pleas.

NEW TRIALS—MOVED IN EASTER TERM, 1857.

London.	Stimmonds v. Tayler, Public Officer, &c.
London.	Simpson & Others v. The Accidental Death Insurance Co.
Liverpool.	Bellhouse & Another v. The Mayor, &c., of Manchester.
Cambridge.	Holmes v. Union.
London.	Rankin v. Payne.
Liverpool.	Jones, Administrator, &c., v. The Provincial Insurance Co.
London.	Duff v. Mackenzie.
"	Cahill & Another v. Dawson.
"	Tuff v. Warman.
"	Lindsay v. Robertson & Others.
"	Wood v. Layton.
York.	Delaney v. Fox.
London.	Andrews v. Belfield.
"	Last v. Edwards.
Kent.	Neyler & Another v. Passfield.
Northampton.	Lovell v. Smith.
Middlesex.	Ling v. Croker.
Chester.	Sutton v. Sadler & Another.

DEMURRER PAPER.

Thursday, April 30.

The General Steam Navigation Company v. Eolt (New Case)

Exchequer of Pleas.

NEW TRIALS—MOVED IN EASTER TERM, 1857.

Middlesex.	Smith v. Voss.
"	Daniel v. Skinner.
"	Hodges v. Paterson.
"	Nixon v. Brownlow.
London.	Wilson v. Hicks.
"	Blackstone v. Wilson.
"	Coulson & Another v. Attwood & Others.
"	Gibbs & Others v. Charleton & Another.
"	Crouch v. Great Western Railway Co.
"	Mills v. Houlton & Others.
"	Hand v. Wilson.
"	Kitchen v. Stafford.

Cambridge.	Pidgeon v. Legge.
York.	Elgey v. Milnes & Another.
	Smith v. Rander.
Liverpool.	Preston & Others v. Tamplin & Another.
Chester.	Bushell v. Norman.
Kingston.	Andrews v. Hawley.
	Ellis v. London and South-western Railway Co.
Nottingham.	Every & Another v. Smith & Others.
Derby.	Witham & Wife v. Wright & Others.
Exeter.	Churchward & Another v. Ford.
Stafford.	Beale, F. O., &c. v. Caddick & Another.
Shrewsbury.	Vaughan v. Downes.
Monmouth.	Dalton v. Batchelor & Another.
"	Chapman v. The Monmouthshire Railway & Canal Co.
"	Jones & Another v. Same.
Gloucester.	Sharples & Others v. Rickard.
	Williams v. Smith.
	Hollis v. Marshall.
Liverpool.	Bramall v. Lee.
Winchester.	Tooker v. Smith.

SPECIAL PAPER.

Dem.	Hill v. Balla.
	Andrews v. Hawley.
Appeal.	Clark v. Thomas.
Dem.	Macnought & Another v. Marc.

Births, Marriages, and Deaths.

BIRTH.

BALL—On April 20, at Pershore, the wife of Edwin Ball, Esq., of a son.

MARRIAGES.

DAINTY-SMITH—On April 15, at St. Mary's Church, Hamilton, N.B., by the Rev. A. Henderson, George G. Dainty, Esq., solicitor, Rugby, to Charlotte Bryson, fourth daughter of the late John Smith, Esq., of Hampstead.

DICKSON-TOKER—On April 15, at St. Luke's Church, Jersey, by the Rev. the Vice-Dean of Jersey, assisted by the Rev. E. Guille, Major Philip Dickson, of the Royal Artillery, to Constance Phipps, third daughter of Philip Champion Toker, of Doctors'-commons, London, Esq.

PHILLIMORE-GODDARD—On April 16, at the parish church of Swindon, the Rev. Greville Phillimore, fourth son of the late Joseph Phillimore, D.C.L., to Emma Caroline, daughter of the late Ambrose Goddard, Esq., of the Lawn, Swindon.

PRESTON-CRAGG—On April 22, at the parish church, Melling, Lancashire, by the Rev. Richard Mallinson, incumbent of Arkholme, John Preston, Esq., of Kirkby Lonsdale, Westmoreland, solicitor, to Alice, eldest daughter of the late John Cragg, Esq., of Arkholme.

ROE-GRAY—On April 16, at the Church of the Holy Trinity, Brompton, by the Rev. R. H. Gray, M.A., perpetual curate of Kirkby, Lancashire, brother of the bride, and by the Rev. T. Bruton, M.A., curate of the parish, Charles William, eldest son of Charles Bassett Roe, Esq., of Pelham-place, to Harriet Agnes, third daughter of the late Robert Gray, Esq., of New-inn, and Brompton-crescent.

WEBSTER-DODD—On April 2, at North Stoke, Oxfordshire, Mr. John Frederick Webster, of Sergeants'-inn, solicitor, to Mary Jane, second daughter of Thomas Todd, Esq., of North Stoke.

WESTHORP-ANIEL—On April 16, by the father of the bride, Sterling Westhorp, Esq., of Ipswich, to Henrietta Maria, the youngest daughter of the Rev. John Edge Daniel, M.A., and Chaplain of the County Gaol at Ipswich.

DEATHS.

BELLASIS—On April 16, a few hours after her birth, Teresa Walburga, the infant daughter of Mr. Sergeant Bellasis.

HILDER—On April 17, at 13 Clement's-lane, Mr. Thomas Hilder, aged 64, for nearly 40 years the faithful and respected clerk of Messrs. Fairfoot, Webb, & A'eth, and their predecessors.

MELLOR—On April 22, at 21 Endeleigh-st., in the 20th year of her age, Elizabeth Catherine, eldest daughter of John Mellor, Esq., Q.C.

YEATES—On April 18, at 27 Baker-st., Portman-square, Ann, daughter of the late John Yeates, Esq., solicitor, Adelaide, South Australia.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

CHILD, ELIZABETH, deceased, wife of WILLIAM BURROUGH CHILD, deceased, Woolvers Dean, Andover, Hants, Esq., £400 New 3 per Cents.—Claimed by ELIZABETH JUDD, widow, sole executrix of STEPHEN JUDD, who was the sole executor.

COWLAND, LETITIA ANN, Highbury-ter., Islington, spinster, £552 : 18 : 2 Reduced.—Claimed by LETITIA ANN COWLAND.

DAVIDSON, JANE, Unity-place, Woolwich, Kent, spinster, £55 Reduced.—Claimed by CATHERINE DAVIDSON, spinster, administratrix de bonis non.

HORNBY, ANN, Hook, Hants, spinster (a person of unsound mind), £170 : 2 : 1 Consols, and £24 : 7 : 4 New 3 per Cents.—Claimed by ACCOUNTANT-GENERAL of the COURT of CHANCERY.

HOWE, GRACE, Brookby-st., Islington, spinster, £127 : 14 : 7 New 3 per Cents.—Claimed by GRACE HOWE.

MESSING, ELIZABETH, New-rd., Fitzroy-sq., spinster, deceased, £221 : 0 : 11 New 3 per Cents.—Claimed by BAZETT DAVID COLVIN, acting executor of HENRIETTA THOMAS, widow, who was the surviving executrix.

MORRISON, ANNE, Bideford, Devon, spinster, £2,100 Reduced.—Claimed by JOHN TOWNSEND KIRKWOOD, surviving executor.

PRIDMORE, THOMAS LETTS, Harrington, Northamptonshire, Gent., £100 Reduced.—Claimed by MARY PRIDMORE, widow, administratrix.

WEEDING, THOMAS, Mecklenburg-square, Est., £27 : 3 : 4 Long Annuities.—Claimed by MARY WEEDING, widow, RICHARD BAGGALLAY, ALFRED STAINES PIGROK, and JOHN BAGGALLAY, executors.

WILLIAMS, THOMAS PLATFAIR, Edinburgh, Esq., £372 : 19 : 4 Consols.—Claimed by THOMAS PLATFAIR WILLIAMS.

Heirs at Law and Next of Kin

Advertised for in the London Gazette and elsewhere during the Week.

ALFORD, ELIZA (widow of Philip Alford), formerly of Sunbury, Middlesex, now residing at Bethnal-house, Bethnal-green (a person of unsound mind).—Her heirs or heirs at law, or next of kin, to come in and prove their heirship or kindred, on or before May 22, at Masters' in Lunacy Office, 45 Lincoln's-inn-fields.

FOREST, THOMAS (who died in the month of October, 1759), late of Westminster, Butcher.—His heir at law to apply to Messrs. Jaques, Edwards, Jaques, & Layton, Solicitors, 8 Ely-place, Holborn.

GIBBONS, JOSEPH (who died on May 3, 1856), late of Himley, Staffordshire, Millwright.—Next of kin to apply to Bourne, Wainwright, & Bourne, Solicitors, Dudley.

HARRINGTON, MARY (who died in Feb. 1853), Cowes, in the Isle of Wight, Southampton, and lately residing in St. Marylebone, under the name of Mary Harrington Day, as Widow of John Day.—Child or children to come in and prove their claims as such child or children to a certain legacy of £700 stock, bequeathed by Joseph Harrington, at Master of the Rolls' Chambers.

HERRING, MARK, formerly of Richmond, in the county of Surrey, Tailor.—His next of kin, or his wife's, to apply to Mr. Clarke, 29 Bedford-row, Holborn.

PIERCY, WHITLEY, who left Leicestershire some years ago, and was last heard of at West Troy, Albany county, New York.—He or his children to apply to Messrs. Wartnaby & Fisher, Solicitors, Market Harborough, Leicestershire.

RUSSELL, ANN, of Gosport, Hants, widow, and whose husband was a shoe-maker there, and which said ANN RUSSELL afterwards (it is supposed) resided with her sister, ELIZABETH HARTON, wife of J. B. HARTON, Timman and Brazier, at 11 Charter-house-sq., Charter-house-la., London, or at 11 Half Moon-passage, Aldersgate-st., London.—The children of the above (who are entitled under the will of their grandfather, JOHN ELLIOTT, formerly of Duntton Bassett, Leicestershire, deceased) to apply to Mr. Fox, Solicitor, Lutterworth, Leicestershire.

WESTLAND, GEORGE, ROBERT WESTLAND, ELIZABETH STONE (married to JOSEPH STONE); MARY, ALICE, JANET, HANNAH, GRACE, & ANN STONE (ELIZABETH married EDWARD SHERRARD, MARY married THOMAS HUGHES), all nieces of ELIZABETH STONE.—Their heirs at law to apply by letter to B. care of — Maniere, Esq., Solicitor, 31 Bedford-row London.

Money Market.

CITY, FRIDAY EVENING.

The English Funds have maintained the prices of last week with variations from day to day, but there is not any noticeable improvement. The demand for money, and the rate of discount, have also been variable; but the money market has closed to day rather easy than otherwise. In Foreign Securities, very little business is reported. Turkish 6 per Cents. have recovered the depression noticed last week. Messrs. Baring Brothers and Co. have issued their prospectus of the Russian Railway scheme, for which they are agents in this country. They bring forward £2000,000 of the present intended issue of £12,000,000. The cost per mile is estimated at £16,511, the total cost at about £40,000,000, and the total distance at 2,585 miles. Some difficulties have arisen in organising the Bank of Turkey. The gentleman to whom the negotiation for establishing the bank was intrusted, on behalf of certain English capitalists, is reported to have returned to this country. From the Bank of England return for the week ending the 18th of April, 1857, which we give below, it appears that the amount of notes in circulation is £19,734,745, being a decrease of £17,300; and the stock of bullion in both departments is £9,605,749, shewing an increase of £541,137 when compared with the previous return.

The managers of the Bank of France have found it expedient to resort again to the higher rate of premium paid by them on the purchase of gold, a reduction of which last week was considered to be an auspicious event by those persons who believe that the drain of gold on this side is caused by the measures of that establishment. The success of the measure said to be adopted for doubling the capital of the Bank on condition that the amount raised in that way shall be advanced to the Government on the security of a deposit of rentes, and for further accommodating the Government with a loan of £2,400,000 by the Bank, must depend upon the disposition of the public to invest their money with the Bank. The events of recent years have exposed society in France to heavy loss of capital. The grain crop of last year was less than an average quantity, and the harvest was unfavorable. The consequent deficiency was aggravated in some extensive districts by the vast destruction of property, caused by tempestuous weather and violent floods. Also those parts of the country which depend upon the cultivation of the silkworm, have sustained by the failure of last year's supply losses unprecedented for many years, and the cultivators and other inhabitants are reduced to great privations. In the districts of the vine, disease has prevailed during many successive years, each succeeding year failing to replace the capital previously absorbed, and making distress more insupportable. These circumstances are alleged to have

resulted in destruction of capital, the amount of which is beyond the largest estimate. Commercial people find some palliation for the evils which press upon them. If they meet a short supply and buy dear, they can sell accordingly. But producers are seldom able to obtain relief. Their harvest of grain, or silk, or the grape fails, and their distress is without remedy.

The management of the loan raised by the Government of France during the late war made it apparent that capital was not then deficient. At the present time, the chief requirement may be no more than a safe mode of putting dormant capital into circulation. One view of the difficulties of the case may be obtained from the efforts made for the purpose of keeping in order the national monetary system, and the exceptional measures resorted to for that purpose. It is also probable that difficulties of a more radical nature may arise from the influence of deficient production, and unfavourable seasons. It appears, by the recent census, that population does not increase. Our daily press reproaches, in unbecoming terms, the character and habits of the French people in regard to marriage, and contrasts the rapid increase of our numbers with the slow progress made in France. The contrast would be more pleasing if the education and habits of our teeming population were less repulsive. Early marriages, and numerous children, have produced in England and Ireland other results than those so boastfully put forward in contrast with our neighbours. If the adverse circumstances with which they have, of late years, had to contend have led to some postponement of the responsibilities of marriage, they will probably find a reward in the earlier return of better times.

* * In our article of last week several mistakes occurred:—

The stock of bullion in the Bank should have been stated at £9,064,612.

The decrease at £279,108.

The decrease in two weeks at £978,577.

Bank of England.

AN ACCOUNT, PURSUANT TO THE ACT 7TH AND 8TH VICTORIA, C. 32, FOR THE WEEK ENDING ON SATURDAY, THE 18TH DAY OF APRIL, 1857. ISSUE DEPARTMENT.

	£		£
Notes issued	23,383,965	Government Debt	11,015,100
		Other Securities	3,459,900
		Gold Coin and Bullion	8,908,965
		Silver Bullion	...
	£23,383,965		£23,383,965

BANKING DEPARTMENT.

	£		£
Proprietors' Capital	14,553,000	Government Securities	...
Reserve	3,253,687	(incl. Dead Weight Annuity)	11,333,126
Public Deposits (including Exchequer, Savings Banks, Commissioners of National Debt, and Dividend Accounts)	4,851,404	Other Securities	18,404,357
Other Deposits	10,693,410	Notes	3,649,220
Seven day & other Bills	761,986	Gold and Silver Coin	696,784
	£34,083,487		£34,083,487

Dated the 23rd day of April, 1857.

M. MARSHALL, Chief Cashier.

English Funds.

ENGLISH FUNDS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	212 13	213 12	213 12	214 13	213 12	215
3 per Cent. Red. Ann.	91 1/2	91 1/2	91 1/2	92 1/2	91 1/2	91 1/2
3 per Cent. Cons. Ann.	92 1/2	92 1/2	92 1/2	93 1/2	93 1/2	93 1/2
New 3 per Cent. Ann.	91 1/2	92 1/2	91 1/2	92 1/2	92 1/2	91 1/2
New 2 1/2 per Cent. Ann.	...	76 1/2	77	...	...	...
5 per Cent. Ann.	...	...	...	...	...	...
Long Ann. (exp. Jan. 3, 1860)	2 1/2	7 16	7 16	2 1/2	7 16	2 1/2
Do. 30 years (exp. Oct. 10, 1859)	...	...	...	2 5-16	2 3-16	...
Do. 30 years (exp. Jan. 5, 1860)	2 1/2	...	...	...	...	...
Do. do. 1860	...	...	...	15 1/2	...	...
Do. 30 years (exp. Apr. 5, 1855)	18	18	17 15-16	...	17 15-16	17 15-16
India Stock	...	...	220	...	...	220
India Bonds (£1,000)	...	...	...	...	...	3s. dis.
Do. (under £1,000)	10s. dis.	5s. dis.	3s. pm.	3s. dis.	3s. dis.	...
Exch. Bills (£1,000) Mar.	10s. dis.	5s. dis.	2s. dis.	5s. dis.	4s. dis.	1s. dis.
Exch. Bills (£500) Mar.	10s. dis.	5s. dis.	1s. dis.	...	par	2s. pm.
Exch. Bills (Small) Mar.	10s. dis.	5s. dis.	...	...	...	1s. dis.
Exch. Bonds, 1858, 3 1/2 per Cent.	...	...	98 1/2	98 1/2	98 1/2	...
Exch. Bonds, 1859, 3 1/2 per Cent.	...	98 1/2	98 1/2	98 1/2	98 1/2	98 1/2

Insurance Companies.

APRIL 21.

Equity and Law	5 1/2
English and Scottish Law	4 1/2
Law Fire	3 1/2
Legal and General Life	5 1/2

Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bristol and Exeter	...	91	20	...	89	...
Caledonian	68 1/2	9	69 1/2	...	69 1/2	69
Chester and Holyhead	36 1/2	35 1/2	...	...	...	...
East Anglian	...	19 1/2	...	...	...	19 1/2
Eastern Union A Stock	...	...	...	...	...	...
East Lancashire	...	...	...	99	98 1/2	98
Edinburgh and Glasgow	...	...	...	...	55 1/2	...
Edin., Perth. & Dundee	34 1/2	34 1/2	34 1/2	...	34 1/2	34 1/2
Glasgow & South Western	...	...	96	96 1/2	...	97
Great Northern	...	104	104	...	103 1/2	96 1/2
Gt. South & West. (Ire.)	66 1/2	67 1/2	66 1/2	66 1/2	66 1/2	66 1/2
Lancashire & Yorkshire	102 1/2	101 1/2	...	102 1/2	102	101 1/2
Lon., Brighton, & S. Coast	108 1/2	108 1/2	109	108 1/2	109	109 1/2
London & North Western	105	105	105	105 1/2	104 1/2	104 1/2
London & S. Western	102 1/2	101 1/2	101	101 1/2	101 1/2	101 1/2
Man., Shef., and Lincoln	39 1/2	...	...	...	39 1/2	39 1/2
Midland	82 1/2	82 1/2	82 1/2	82 1/2	82 1/2	82
Norfolk	...	59 1/2	...	59 1/2	59 1/2	60 1/2
North British	...	44 1/2	44 1/2	44 1/2	44	44
North Eastern (Berwick)	87	87 1/2	86 1/2	87	86 1/2	86 1/2
North London	...	98	...	...	...	...
Oxford, Worc. & Wolv.	...	...	...	...	...	29 1/2
Scottish Central	...	...	...	...	...	...
Scot. N.E. Aberdeen Stock	...	...	...	...	...	...
Shropshire Union	...	...	...	49	...	...
South-Eastern	75 1/2	...	75 1/2	75 1/2	...	75
South-Wales	...	87	87	87 1/2	...	...

London Gazettes.

LONDON COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.

FRIDAY, April 24, 1857.

MOTE, EDWARD, 16 Thornhill-sq., Islington, Gent.—April 18.

Bankrupts.

TUESDAY, April 21, 1857.

ASHLING, ROBERT, Brewer, Duxford, Cambridgeshire. May 4 and June 3, at 11; Basinghall-st. Com. Goulburn. *Off. Ass. Fennell.*
Sols. Aldridge & Bromley, South-sq., Gray's-inn; or Probert & Wade, Saffron Walden, Essex. Pet. April 15.
 BLIEDBERG, FREDERICK, & MARC SARAN, Commission Agents, Liverpool. May 4 and June 1, at 11; Liverpool. *Com. Perry. Off. Ass. Cazenove. Sols. Holden & Son, Liverpool. Pet. April 17.*
 BROOKE, GEORGE, Provision Dealer and Salesman, Leadenhall-mkt., and 93 Peascoe-st., Windsor, Berks. May 5, at 12, and June 2, at 1; Basinghall-st. Com. Holroyd. *Off. Ass. Edwards. Sols. Lawrence, Flew, & Boyer, 14 Old Jewry-chambers. Pet. April 20.*
 DALTON, LEONARD, Stone Merchant, Canal-bridge, Old Kent-rd. May 5, at 2.30, and June 2, at 1; Basinghall-st. Com. Holroyd. *Off. Ass. Lee. Sols. Lawrence, Flew, & Boyer, 14 Old Jewry-chambers. Pet. for Arrangement, Feb. 25.*
 EVANS, THOMAS, Flannel Manufacturer, Newtown, Montgomery. May 4, and June 1, at 11; Liverpool. *Com. Perry. Off. Ass. Cazenove. Sols. Jones, Newtown, Montgomeryshire. Pet. April 18.*
 NEVILLE, MICHAEL, Brassfounder, Liverpool. May 8 and 28, at 12; Liverpool. *Com. Stevenson. Off. Ass. Bird. Sols. Dodge, Union-st., Liverpool. Pet. April 17.*
 NOELL, HENRY, Accountant, Phillack, Cornwall. April 30 and May 28, at 1; Exeter. *Com. Bere. Off. Ass. Hirtzel. Sols. Roscorla & Davies, Penzance; or Stogdon, Exeter. Pet. April 17.*
 PEPPER, JOHN, & EDWIN ADDY HOLMES, Grocers, 13 Waingate, Sheffield. May 9 and June 6, at 10; Sheffield. *Com. West. Off. Ass. Brewin. Sols. Chambers & Waterhouse, 14 Bank-st., Sheffield. Pet. April 15.*
 SHAW, JOHN, & JOSEPH SHAW, Tailors, Sheffield. May 2 and June 6, at 10; Sheffield. *Com. West. Off. Ass. Brewin. Sols. Broadbent, Sheffield. Pet. April 15.*
 SMITH, SAMUEL JOSEPH, Auctioneer, Birmingham. May 1 and 22, at 11.30; Birmingham. *Com. Balguy. Off. Ass. Christie. Sols. Finlay Knight & Suckling, Birmingham. Pet. April 17.*
 WICK, JOHN, Electric Plater, Sheffield. May 2 and June 6, at 10; Sheffield. *Com. West. Off. Ass. Brewin. Sols. Smith & Burdakin, Sheffield. Pet. April 14.*

FRIDAY, April 24, 1857.

BENNETT, THOMAS, Iron and Coal Master, Oldbury, Worcester, and West Bromwich. May 7 and 28, at 11; Birmingham. *Com. Balguy. Off. Ass. Whitmore. Sols. Smith, Waterloo-st., Birmingham. Pet. April 22.*
 CALDWELL, HENRY CHARLES, Scrivener, Singapore, East Indies, and 39 Kensington-park-gardens. May 7 and June 5, at 11.30; Basinghall-st. *Com. Fane. Off. Ass. Cannan. Sols. Lawrence, Flew, & Boyer, 14 Old Jewry-chambers, Old Jewry. Pet. April 22.*
 CLARKE, ELIZABETH, Potter, Newport, Monmouthshire. May 5 and June 2, at 11; Bristol. *Com. Hill. Off. Ass. Acraman. Sols. Champ, Newport; or Bevan & Girling, Small-st., Bristol. Pet. April 21.*
 DENNISON, PATRICK, Grocer, Bradford, Yorkshire. May 11, at 12.30, and June 9, at 11; Leeds. *Com. Ayrton. Off. Ass. Hope. Sols. Livett, Manchester; or Payne, Edmond, & Ford, Leeds. Pet. April 18.*
 GANE, THOMAS, Corn Dealer, Park Farm, Coldwaltham, Sussex. May 5, at 2, and June 3, at 1; Basinghall-st. *Com. Fonblanque. Off. Ass. Stansfeld. Sols. Murrough, 5 New-inn, Strand. Pet. April 21.*

GRIFFITH, THOMAS HENRY, Coal Dealer, Lowestmoor, Worcestershire. May 7 and 28, at 11; Birmingham. *Off. Ass. Whitmore; Sol. Smith, Birmingham. Pet. April 23.*

HARDY, JOSEPH, Miller, Nottingham. May 5 and 26, at 10.30; Nottingham. *Com. Balguy. Off. Ass. Harris. Sols. Bowley & Ashwell, Nottingham. Pet. April 21.*

HUNTER, SAMUEL, & NICHOLAS HUNTER, Anchor Manufacturers, Gateshead, Durham. May 5 and June 10, at 11; Newcastle-upon-Tyne. *Com. Ellison. Off. Ass. Baker. Sols. Watson, Newcastle-upon-Tyne; or Harwood, 10 Clement's-lane, Lombard-st. Pet. April 11.*

NASH, WILLIAM, Licensed Victualler, 92 & 93 St. John-st., Smithfield-bars. May 6, at 11, and June 8, at 1; Basinghall-st. *Com. Goulburn. Off. Ass. Nicholson. Sol. Heath, 11 Artillery-pl. West, Finsbury. Pet. April 21.*

OUSTON, ROBERT CARTER, Corn, Wine, and Spirit Merchant, Kingston-upon-Hull. May 6 and June 10, at 12; Kingston-upon-Hull. *Com. Ayrton. Off. Ass. Carrick. Sols. England & Saxelby, Hull. Pet. April 15.*

RICHES, CHARLES HURRY, Carrier and Boatowner, Cardiff, Glamorganshire. May 5 and June 2, at 11; Bristol. *Com. Hill. Off. Ass. Miller. Sols. Walton, Cardiff; or Bevan & Girling, Bristol. Pet. April 22.*

STEPHENSON, EDMUND, Iron and Brass Founder, Davenport, Northamptonshire. May 6, at 2, and June 9, at 12; Basinghall-st. *Com. Fonblanque. Off. Ass. Graham. Sols. Linklaters & Hackwood, 17 Sise-la. Pet. April 23.*

WAUGH, WILLIAM PETRIE (Branksea Clay and Pottery Co.), Branksea Island, Studland, Dorset; and Little Abington-st., Westminster; and lately residing at 10 Upper Grosvenor-st., Brick and Tile Maker. May 7 and June 13, at 11; Basinghall-st. *Com. Evans. Off. Ass. Bell. Sols. Linklaters & Hackwood, 17 Sise-la. Pet. April 15.*

MEETINGS.

TUESDAY, April 21, 1857.

BISHOP, JOHN, Wine Merchant, 8 Crosby-hall-chambers, Bishopsgate, and Grosvenor-lodge, Maiden-lane, Highgate. May 12, at 1; Basinghall-st. *Com. Holroyd. Dir.*

CHARLES, ROBERT RUMNEY, & WILLIAM FORDYCK, Paper Manufacturers, Houghton, Northumberland. May 13, at 11; Newcastle-upon-Tyne. *Com. Ellison. First Dir. Joint est.; and sep. est. of W. Fordyce.*

COOPER, JOSEPH, sen., JOSEPH COOPER, jun., & JOE COOPER, Cotton Spinners, Holchouse Mills, Clisworth, Glossop, Derbyshire. May 14, at 1; Manchester. *Com. Skirrow. Dir. sep. est. of J. Cooper, sen.*

COOPER, REUBEN, Wholesale Grocer, Oldham, Lancashire. May 18, at 12; Manchester. *Com. Jemmett. Fur. Dir.*

COWAN, JAMES, Cheesemonger, Newcastle-upon-Tyne. May 6, at 11; Newcastle-upon-Tyne. *Com. Ellison. (By adj. from April 7.) Last Ex.*

DICKSON, JOHN, Builder, 206 Fleet-st., London; Swansea, Glamorganshire; and late of Wellington, Salop. May 8, at 12; Basinghall-st. *Com. Fonblanque. (By adj. from Mar. 3.) Last Ex.*

DUNDEAL, FREDERICK, Dealer in Iron and Share Dealer, King's Arms-yd., Coleman-st. May 12, at 11.30; Basinghall-st. *Com. Fonblanque. Fur. Dir.*

DOEG, WILLIAM, & JOHN SKELTON, Timber Merchants, Newcastle-upon-Tyne. May 6, at 11.30; Newcastle-upon-Tyne. *Com. Ellison. (By adj. from Mar. 11.) Last Ex.*

GRIFFITH, RICHARD, sen., & RICHARD GRIFFITH, jun., Brassfounders, 20 Haxton-wall, and 20 & 21 St. James's-walk, Clerkenwell. May 8, at 2; Basinghall-st. *Com. Fonblanque. (By adj. from Mar. 31.) Last Ex.*

HAMMOND, WILLIAM PARKER, Shipowner, Scott's-yd., Bush-la. May 12, at 1; Basinghall-st. *Com. Fonblanque. Dir.*

HODGSON, GILBERT, & WILLIAM ATKINSON, Timber Merchants, Sunderland. May 5, at 11.30; Newcastle-upon-Tyne. *Com. Ellison. (By adj. from Mar. 6.) Last Ex.*

JONES, JOHN, Draper, Chester. May 12, at 11; Liverpool. *Com. Perry. Dir.*

KING, THOMAS, Licensed Victualler, Spalding, Lincolnshire. May 19, at 10.30; Nottingham. *Com. Balguy. Aud. Accs. & Dir.*

LINFOOT, BENJAMIN, Builder, Mansfield, Nottinghamshire. May 19, at 10.30; Nottingham. *Com. Balguy. Aud. Accs. & Dir.*

MARTIN, FREDERICK, Innkeeper, Camelford-st., Brighton. May 5, at 1; Basinghall-st. *Com. Fonblanque. (By adj. from Mar. 31.) Last Ex.*

PARKER, HENRY SAMUEL, Licensed Victualler, Birmingham. May 16, at 11.30; Birmingham. *Com. Balguy. Final Dir.*

RENNISON, FRANK, Merchant and Warehouseman, 20 Milk-st., Cheap-side; also keeping a Day-school at 8 Matson-ter., Kingsland-rd. May 12, at 1.30; Basinghall-st. *Com. Fonblanque. Dir.*

ROSE, JOHN, Miller, St. Helen's Mills, St. Helen's, Lancashire. May 12, at 11; Liverpool. *Com. Perry. Dir.*

SHERBATT, WILLIAM, Innkeeper, Crewe, Cheshire. May 12, at 11; Liverpool. *Com. Perry. Dir.*

SMITH, JAMES, Cattle-dealer, Egham Hythe, Egham, Surrey. May 12, at 11.30; Basinghall-st. *Com. Evans. Dir.*

WOOLLATT, RANDAL, Tea and Coffee Dealer, 2 Crown-ct., Philpot-la., now of 38 Fenchurch-st. May 14, at 12; Basinghall-st. *Com. Evans. Dir.*

FRIDAY, April 24, 1857.

ALANSON, EDWARD, Wine Merchant, Liverpool. May 21, at 11; Liverpool. *Com. Stevenson. Dir.*

ALANSON, THOMAS GEORGE, Wine Merchant, Liverpool. May 21, at 11; Liverpool. *Com. Stevenson. Dir.*

ARMSTRONG, JAMES, Linen and Woollen Draper, Berwick-upon-Tweed. May 7, at 11.30; Newcastle-upon-Tyne. *Com. Ellison. (By adj. from April 21.) Last Ex.*

CAMPIN, HENRY, Warehouseman, 87 Watling-st. May 19, at 1; Basinghall-st. *Com. Holroyd. Dir.*

CLEAR, JOSEPH, Builder, Church-rd., De Beauvoir-sq., Middlesex. May 15, at 11; Basinghall-st. *Com. Fane. Dir.*

COOPER, EDWARD DEACON, Grocer, Bawdsey, Woodbridge, Suffolk. May 15, at 2; Basinghall-st. *Com. Fane. Dir.*

ELSAM, WILLIAM, Ironstone Master, Heyford, and Bugbrook, Northampton, and late of 21 Bishopgate-st., Within, London. May 18, at 11; Basinghall-st. *Com. Goulburn. Dir.*

GILLAM, JOHN, 14 Devereux-ct., Strand, & WILLIAM HENRY TAYLOR, 20 City-rd., & 15 Poultrey, Licensed Victuallers. May 12, at 12; Basinghall-st. *Com. Fonblanque. (By adj. from April 1st.) Last Ex.*

GLADSTONE, JOHN, jun., Ironfounder, Liverpool. May 22, at 11; Liverpool. *Com. Stevenson. Dir.*

HUGHES, CATHERINE, Grocer, Holywell, Flintshire. May 19, at 12; Liverpool. *Com. Perry. Dir.*

KING, OCTAVIUS, & ALFRED KING, Corn Merchants, Dullingham, near Newmarket. May 12, at 11; Basinghall-st. *Com. Evans. Prf. Debs. Sep. ests. of O. King and A. King.*

MEYER, MAURICE, & SIGISMUND SECKEL, General Merchants, 30 Newgate-st. May 6, at 1.30; Basinghall-st. *Com. Fonblanque. (By adj. from April 21.) Last Ex.*

MOORE, JAMES, Livery-stable keeper, Ardwick, Manchester. May 15, at 12; Manchester. *Com. Skirrow. Dir.*

MORRIS, DAVID, Grocer, Wisbeach, Cambridgeshire. May 18, at 1; Basinghall-st. *Com. Goulburn. Dir.*

OLLIVIER, CHARLES, Music Seller, 41 & 42 New Bond-st. May 15, at 2; Basinghall-st. *Com. Fane. Dir.*

SKETCHLEY, SAMUEL, Scrivener and Dealer in Railway Shares, Horn-castle, Lincolnshire. May 27, at 12; Kingston-upon-Hull. *Com. Ayrton. Dir.*

SKINNER, WILLIAM, jun., Tailor, 77 Castle-st., Bristol. May 21, at 11; Bristol. *Com. Hill. Dir.*

UNWIN, JOHN, Baker, Seacombe, Cheshire. May 21, at 11; Liverpool. *Com. Stevenson. Dir.*

WEST, JOSEPH, Miller, Beckington, Somerset. May 21, at 11; Bristol. *Com. Hill. Dir.*

WHITE, THOMAS, jun., Ship Builder, Portsmouth and Gosport. May 12, at 12.30; Basinghall-st. *Com. Fonblanque. (By adj. from April 7.) Last Ex.*

CERTIFICATES.

To be ALLOWED, unless Notice be given, and Cause shown on Day of Meeting.

TUESDAY, April 21, 1857.

BAILEY, WILLIAM LAMONT, & RICHARD HARVEY, jun., Merchants, 23 Clutched-friars; on application of R. Harvey, jun. May 13, at 11; Basinghall-st.

BUNTING, HORATIO, Seedsman, Colchester, Essex. May 13, at 2; Basinghall-st.

CAMPIN, HENRY, Warehouseman, 87 Watling-st. May 12, at 1; Basinghall-st.

CAYNES, GEORGE, Jeweller, Carlisle. May 14, at 12; Newcastle-upon-Tyne.

COOPER, CHARLES, Grocer, High-st., Wandsworth. May 14, at 11; Basinghall-st.

KIRKUP, MAJOR, Brick Manufacturer, Jarrow, Durham. May 14, at 11; Newcastle-upon-Tyne.

LLOYD, DAVID, Merchant, 36 Cannon-st., London, and Lewisham, Kent. May 14, at 11; Basinghall-st.

MORSE, FREDERICK, Rice and Spice Merchant, 2 Dunster-ct., Mincing-la. May 13, at 1; Basinghall-st.

MOSLEY, EDWIN, Gold-beater, 5 Hyde-st., Bloomsbury. May 13, at 12; Basinghall-st.

MUCKLESTON, ROWLAND, Wholesale and Export Boot and Shoe Manufacturer, 7 & 8 Hackney-rd.-crst., Middlesex. May 12, at 2; Basinghall-st.

SMITH, DANIEL, Apothecary, 2 Harriet-st., Sloane-st., Chelsea. May 14, at 12; Basinghall-st.

SMITH, JAMES, Cattle-dealer, Egham Hythe, Egham, Surrey. May 12, at 11.30; Basinghall-st.

SPILSBURY, GEORGE, Builder, Wolverhampton, Staffordshire. May 14, at 10; Birmingham.

SUCKLING, JOSEPH, jun., Hop and Provision Merchant, Birmingham. May 14, at 10; Birmingham.

FRIDAY, April 24, 1857.

BELTON, THOMAS STOREY, late of Marton and Horncastle, then a Prisoner for Debt in Lincoln City Prison. June 3, at 12; Kingston-upon-Hull.

CAISTOR, ARTHUR BREAKS, Saddler, 7 Baker-st., Portman-sq. May 19, at 12; Basinghall-st.

COLLIS, BENJAMIN, Draper, Bishops Stortford, Hertfordshire. May 19, at 11; Basinghall-st.

GEORGE, SEATER, Engraver, 7 Palgrave-pl., Strand. May 18, at 11.30; Basinghall-st.

GRAVES, ROBERT, Corn and Flour Merchant, Windmill-st., Gravesend. May 15, at 12; Basinghall-st.

MARLOW, HENRY, Ironfounder, Walsall. May 18, at 10; Birmingham.

OLIVER, ANN, Widow, Grocer, Walkington, Yorkshire. June 3, at 12; Kingston-upon-Hull.

PULBROOK, FREDERICK, Grocer, Surbiton, Kingston-upon-Thames, Surrey. May 15, at 11; Basinghall-st.

SKINNER, WILLIAM, jun., Tailor, 77 Castle-st., Bristol. May 26, at 11; Bristol.

STANBURY, JOSHUA DOWNSING, Draper, Richmond, Surrey. May 15, at 1.30; Basinghall-st.

TREVARD, MARGARET JANE, Shipbuilder, Blyth, Northumberland. May 15, at 12; Newcastle-upon-Tyne.

TWEEDALE, WILLIAM, Grocer, Ashton-under-Lyne. May 19, at 12; Manchester.

WALTERS, JOSEPH, Hatter, Northampton. May 15, at 12; Basinghall-st.

WARD, LUKE, Plumber, Wisbech St. Peter, Cambridgeshire. May 18, at 1; Basinghall-st.

WEST, JOSEPH, Miller, Beckington, Somersetshire. May 26, at 11; Bristol.

WRIGHT, GEORGE SLEDDALL, & JOHN WRIGHT, Brewers, Liverpool. May 18, at 11; Liverpool.

To be DELIVERED, unless APPEAL be duly entered.

TUESDAY, April 21, 1857.

DAVIS, RICHARD, sen., Coalmaster, Westbromwich, Staffordshire. April 16, 2nd class.

FAIRHEAD, EPHRAIM, Cattle-dealer and Salesman, Crossing, near Braine-tray, Essex. April 16, 2nd class.

FOSTER, WILLIAM, Timber Merchant, Birmingham. April 16, 1st class.

HUMPHREY, CATHERINE, Bookseller, Baker-st., Portman-sq. April 15, 2nd class.

POSTANS, GEORGE CAMPION, Grocer, Newmarket, All Saints. April 15, 3rd class; having been suspended from May 21 till July 30, 1856.

STAINSBY, PETER, Smelter, Salvador-green, Bishopgate-st., and of Pontisford, near Shrewsbury, and Parsons-house, Fulham. April 7, 2nd class; having been suspended for twelve months from April 4, 1856.

VENABLES, JOHN, ARTHUR MANN, & HENRY GRASETT, Earthenware Manufacturers, Burslem, Staffordshire. April 16, 1st class to Henry Grasset, and 3rd class to John Venables.

FRIDAY, April 24, 1857.

ASHFIELD, CHARLES, Boot and Shoe Maker, 2 Horne-ter., Hammersmith. April 18, 2nd class.
DAVIS, RICHARD, Ship Broker, Cardiff, Glamorganshire. April 21, 1st class.
EDWARDS, WILLIAM, Ale and Porter Merchant, 325 High-street, Wapping. April 17, 2nd class.
FEARIS, GEORGE, Draper, 4 & 5 Lambeth-walk, Surrey. April 17, 1st class.
HUGHES, WILLIAM, Joiner and Builder, Liverpool. April 9, 1st class.
JONES, WILLIAM BURROW, Pastry-cook, 5 St. Augustine's-parade, Bristol. April 20, 3rd class; to be suspended for three months from April 20.
KING, OCTAVIUS, & ALFRED KING, Corn Merchants, Dallingham, Newmarket, Cambridgeshire. April 17, 2nd class to Alfred King.
METCALFE, JOHN THOMAS, & GEORGE METCALFE, Canvas Merchants, 52 & 53 Bow-la., and Farnham, Surrey. April 17, 3rd class; having been suspended for three months from January 13.
PORTER, PHILIP, Cotton Broker, Liverpool. April 16, 2nd class.

DIVIDENDS.

TUESDAY, April 21, 1857.

AMER, STEPHEN, Grocer, Bradford. Second, 11½d. *Hope*, 1 South-parade, Park-row, Leeds; any Friday, 11 & 1.
CLAYTON, JOSHUA, Commission Agent, Bradford. First, 1s. 6d. *Hope*, 1 South-parade, Park-row, Leeds; any Friday, 11 & 1.
FAREBROTHER, FRANK BROADHURST, GEORGE WILLIAM BREMNER, & JOSEPH HENRY COLLYER, Wax, Spertin, and Oil Merchants, Stockwell and Manchester. First, 3s. *Edwards*, 1 Sambrook-ct., Basinghall-st.; April 22, and three subsequent Wednesdays, 11 & 2.
HAWKER, THOMAS CORY, Coal Merchant, Little Abingdon-st. Third and final, 7½d. *Lee*, 20 Aldermanbury; April 22, 11 & 2.
HELSBY, ROBERT JOSEPH, Builders, Garston and Warrington. First, 6s. 8d. *Bird*, 9 South Castle-st., Liverpool; any Monday, 11 & 2.
PICKERING, WILLIAM, Bookseller, 177 Piccadilly. Fifth, 1s. 6d. *Edwards*, 1 Sambrook-ct., Basinghall-st.; April 22, and three subsequent Wednesdays, 11 & 2.
REID, JAMES, Tailor, Liverpool. First, 4s. *Bird*, 9 South Castle-st., Liverpool; any Monday, 11 & 2.
ROBERTS, JOHN, Shipbuilder, Holyhead. Second, 6½d. *Bird*, 9 South Castle-st., Liverpool; any Monday, 11 & 2.
SUGDEN, JOHN, & GEORGE WEBSTER, Woodstaplers, Bradford. First, 11½d. *Hope*, 1 South-parade, Park-row, Leeds; any Friday, 11 & 1.
WHITMORE, WELLS, & WHITMORE, Bankers, Lombard-st. Tenth, 1d. *Stansfeld*, 10 Basinghall-st.; any Thursday, 11 & 2.
WOOD, EDWARD, Worst-dresser, Bingley. First, 1s. 7½d. *Hope*, 1 South-parade, Park-row, Leeds; any Friday, 11 & 1.
YOUNG, WILLIAM GOSTON, Shipbroker, Sun-ct., Manchester, and Liverpool. First, 3s. 2d. *Lee*, 20 Aldermanbury; April 22, 11 & 2.

FRIDAY, April 24, 1857.

COPELAND, JAMES LUND, Merchant, Liverpool. First, 1s. 3d. *Bird*, 9 South Castle-st., Liverpool; any Monday, 11 & 2.
DOUGLAS, JOSEPH, 1 Summer-ter., Brompton. First, 5s. 8d. *Edwards*, 1 Sambrook-ct., Basinghall-st.; Wednesday next, and three subsequent Wednesdays, 11 & 2.
JENKINS, EDWARD, Draper, Birmingham. First, 2s. 3d. *Whitmore*, 19 Upper Temple-st., Birmingham; any Friday, 11 & 2.
JONES, WILLIAM BRITAIN, Grocer, Birmingham. First, 1s. 6d. *Whitmore*, 19 Upper Temple-st., Birmingham; any Friday, 11 & 2.
SAGAR, OATES, Manufacturer, Haslingden, Lancashire. First, 10s. *Herniman*, 69 Princess-st., Manchester; any Tuesday, 10 & 1.
SOUTHALL, RICHARD, Jun., Merchant, Birmingham. Second, 7d. *Whitmore*, 19 Upper Temple-st., Birmingham; any Friday, 11 & 3.
SYMES, JAMES, EDWARD BARNARD SYMES, & KEUBEN RAPER, Electro Platers, 422 Strand. First, 2s. 8d. *Edwards*, 1 Sambrook-ct., Basinghall-st.; Wednesday next, and three subsequent Wednesdays, 11 & 2.
WALKSHAW, JAMES, Iron Manufacturer, Monkwearmouth. Second, 3s., in addition to 1s. 2d. previously declared. *Baker*, Royal-arcade, Newcastle-upon-Tyne; any Saturday, 10 & 3.

Assignments for Benefit of Creditors.

TUESDAY, April 21, 1857.

CORNEBY, JOSEPH COLES, Baker, Long Ditton, Kingston, Surrey. April 8. *Trustees*, R. Atlee, Miller, Dorking; T. Leonard, Miller, Kingston-upon-Thames. *Sol.* Rawlins, 15 Salisbury-st., Strand.
DOBLE, STEPHEN, Linendraper, Exeter. Mar. 7. *Trustees*, W. Brock, Linendraper, Exeter; R. Anning, Grocer, Exeter. *Sol.* Stogdon, Exeter.
FLETCHER, HUGH, & JOHN FLETCHER, Packing-box-makers, 10 Pancras-la., London. April 11. *Trustee*, W. Cooper, Accountant, 13 George-st., Mansion-house. *Sol.* Lott, 43 Bow-la.
GREEN, JOHN, Bishopwearmouth, Durham, & WILLIAM ROBINSON, South Hylton, Durham, Shipbuilders. April 6. *Trustees*, A. Ray, Iron-founder; H. Robson, Timber Merchant; both of Bishopwearmouth. *Sols.* A. J. & W. Moore, Sunderland.
HARRISON, WILLIAM, Farmer, Kirkbank, Yorkshire. April 6. *Trustees*, H. W. Milburn, Spirit Merchant, Bury Castle, Durham; B. Harrison, Farmer, Newbiggin, Durham. *Sol.* Richardson, Barnard Castle.
HIXSON, GEORGE, Blacksmith, Woodchurch, Kent. April 16. *Trustees*, J. U. Bugler, Ironmonger, Ashford, Kent; J. Cooper, Blacksmith, Rye, Sussex. *Sol.* Kingsford, Ashford.
JACOBSON, JAMES, Morpeth, Northumberland. Mar. 7. *Trustees*, E. Challoner, Butcher; R. Fairleigh, Malster; both of Morpeth. *Sol.* Swan, Morpeth.
PHILLIPS, WILLIAM, Grocer, Leedstown, Crowan, Cornwall. April 15. *Trustees*, G. Bazeley & W. Hosken, Merchants, Hoyle, Cornwall. *Sols.* Rogers & Son, Helston, Cornwall.
SANDS, GEORGE, Plasterer, Batley, Yorkshire. April 13. *Trustees*, F. Lister, Commercial Traveller, Leeds; C. Ward, Corn Miller, Batley. *Sol.* Upton & Clapham, Leeds.
SHIPMAN, JOHN, & WILLIAM WILKINSON, Millers, Gainsborough, Lincolnshire. April 15. *Trustees*, G. Meas, Gent.; T. A. Farmer, Iron Merchant; both of Gainsborough. *Sol.* Plaekitt, Gainsborough.

FRIDAY, April 24, 1857.

BEST, THOMAS, Railway Waggon Builder, Kirkham, in the Fylde, Lancashire. April 20. *Trustees*, J. T. FitzAdam, Iron Merchant, Wigan; J. Holden, Cotton Spinner, Kirkham, in the Fylde. *Sol.* Taylor, Wigan.
HUNTER, JOHN GRAINGER, Stationer, Newcastle-upon-Tyne. April 7. *Trustees*, T. Hard, Paper Dealer, Newcastle-upon-Tyne; J. Drew, Shopkeeper, Newcastle-upon-Tyne. *Sol.* Armstrong, Newcastle-upon-Tyne.
JOHNSTON, GEORGE, Grocer, 164 Mill-st., Liverpool. April 2. *Trustee*, R. Dickon, Tea and Coffee Merchant, Temple-ct., Liverpool. Indenture lies at offices of Caster & Co., Public Accountants, 10 South John-st., Liverpool.
JONES, DAVID, Grocer, Carmarthen. April 2. *Trustees*, R. W. Richards, Draper, Carmarthen; W. Thomas, Farmer, Cwmtowyll, Abergwilly. *Sol.* Goode, Carmarthen.
JONES, EDWARD, Wine and Spirit Merchant, Wrexham, Denbigh. March 26. *Trustees*, J. Bury, Gent., Wrexham; J. O. Duckworth, Grocer, Stalybridge, Lancashire. *Sol.* Toy, Ashton-under-Lyne.
RANDS, JOSEPH, Boot Maker, Newport, Isle of Wight. April 2. *Trustees*, W. Butt, Merchant, Noble-st., London; P. White, Currier, Portsea. Indenture lies at offices of Caster & Co., Public Accountants, 13 Old Jewry-chambers.
WARREN, SAMUEL, Grocer, St. Peter's-st., Derby. April 7. *Trustees*, W. Harrison, Wholesale Grocer, 38 Eastcheap, London; J. Stewart, Cashier, Philpot-la. Indenture lies at offices of Caster & Co. Public Accountants, 14 St. Ann's-sq., Manchester.
WESTMORE, WILLIAM, Licensed Victualler, Ormskirk, Lancashire. April 21. *Trustees*, T. Roose, Wine and Spirit Merchant, 18 Hope-st., Liverpool; J. Woods, Wine and Spirit Merchant, Liverpool. *Sol.* Francis, Liverpool.
WHALLEY, JOSEPH, & ROBERT HARDMAN, Cotton Manufacturers, Kirkham, Lancashire. April 1. *Trustees*, R. C. Richards, and R. Bowdler, Coal Merchants, Kirkham; T. J. Garlington, Commission Agent, Preston; W. W. Taylor, Cotton Spinner, Preston; R. S. Walker, Cotton Spinner, Preston. *Sols.* Haydock & Cattley, Lune-st., Preston.
WILLS, GEORGE HOSKING, Draper, Cardiff, Glamorganshire. March 21. *Trustees*, J. F. Pawson, Warehouseman, St. Paul's Churchyard; T. W. Elstob, Warehouseman, Wood-street. *Sols.* Jones, 15 Sise-la.

Creditors under Estates in Chancery.

TUESDAY, April 21, 1857.

BUCKMASTER, WILLIAM (who died in Sept. 1848), Army Clothier and General Tailor, late of Turnham-green and New Burlington-st., Middlesex; Dawson-st., Dublin; and 135 George-st., Edinburgh. Creditors to come in and prove their debts, on or before May 23, at V. C. Wood's Chambers.
FLETCHER, RALPH, Esq. (who died in Feb. 1851), late of Barton-st., Gloucester. Creditors to come in and prove their claims, on or before June 1, at V. C. Stuart's Chambers.
FRIDAY, April 24, 1857.
BAKER, THOMAS (who died on 2nd June, 1852), Grocer, Ringwood, Southampton. Incumbent creditors to come in and prove their debts or claims on or before May 23, at Master of the Rolls' Chambers.
BENETT, JOHN (who died in October, 1852), Esq., late of Pythouss, Wilts. Incumbent creditors and creditors to come in and prove their claims on or before May 25, at Master of the Rolls' Chambers.
BOOTH, JOHN (who died on 8th Jan., 1820), Gent., late of Blackfriars-rd., Surrey. Creditors, and incumbents on the respective shares of John Manwaring and Mary his wife, and John Wilkes (who are out of the jurisdiction) in the residue of Booth's estate, are to come in and prove their debts on or before May 4, at V. C. Wood's Chambers.
KEMPLEY, MARY (who died in Sept. 1848). Creditors to come in and prove their debts on or before May 21, at Master of the Rolls' Chambers.
LOVELESS, MARY (who died in June, 1844), 4 Telford-pl., Herne Bay, Kent. Creditors are to come in and prove their claims on or before May 22, at Master of the Rolls' Chambers.
WATTS, EDWARD (who claims to be entitled to the benefit of a certain indenture, dated Feb. 26, 1855), Gent., Hythe, Kent. Creditors are to come in and prove their debts on or before May 25, at Master of the Rolls' Chambers.
WILLESLEY, HON. JAMES FITZROY HENRY WILLIAM POLE TILNEY LONG (who died in Geneva in October, 1851, intestate), formerly of Linmer's hotel, George-st., Hanover-sq. Creditors are to come in and prove their debts or claims on or before May 26, at Master of the Rolls' Chambers.
WILLIAMS, THOMAS (who died in March, 1857), Coal Factor and Ship Owner, formerly of South Lynn, All Saints, Norfolk, but late of Greenwich, Kent, and of 28 St. Mary-at-Hill, London. Creditors are to come in and prove their debts on or before May 21, at Master of the Rolls' Chambers.

Winding-up of Joint Stock Companies.

FRIDAY, April 24, 1857.

HULL AND LONDON LIFE ASSURANCE COMPANY.—The Master of the Rolls, upon the petition of Thomas Allan and James Burgoyne, on April 16, ordered that this company be absolutely dissolved.
WHEAL CONCORD MINING COMPANY.—Master Humphry proposes, on May 2, at 12, at his Chambers, to make a call of £2 10s. per share on all the contributors.

Scotch Sequestrations.

TUESDAY, April 21, 1857.

DUNLOP, MATTHEW, Farmer, Middlelerrigend, Slamannan. April 28, at 1, Red Lion Hotel, Falkirk. *Seq.* April 16.
FRASER, ALEXANDER, Coal Merchant, Grant-st., Inverness. April 28, at 12, Union Hotel, Inverness. *Seq.* April 15.
HADDOW, HUGH, Coal Merchant, Newhaven. April 27, at 12, Stevenson's Rooms, 4 St. Andrew-sq., Edinburgh. *Seq.* April 17.
M'GILL, THOMAS, Draper, Kilmarnock. April 24, at 1, Black Bull Hotel, Forland-st., Kilmarnock. *Seq.* April 13.
SHAW, WILLIAM, Grocer, Dumbarton. April 24, at 12, Elephant Hotel, High-st., Dumbarton. *Seq.* April 14.

FRIDAY, April 24, 1857.

BRUCE, JAMES, Merchant, Dunfermline. May 1, at 1; New-inn, Dunfermline. *Seq.* April 21.

